

that a committee composed of persons of long experience in large and varied lines of industry, not too large to be unwieldy and yet so small as to be local in its nature, is preferable to one composed exclusively, or even largely, of members of the Legislature. The reasons are obvious. During the sessions of the Legislature, the members are so completely engrossed with their official duties that they have little or no time to devote to a careful, serious and thorough consideration of the matter, and during vacation they are compelled to try to reorganize their business, pick up the loose stitches, so to speak, and try to recoup their losses.

LEWIS.  
FAIRCHILD.

#### FORTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas,

Monday, March 12, 1923.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem R. M. Dudley.

The roll was called, a quorum being present, the following Senators answering to their names.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin	Woods.

Absent—Excused.

Clark.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

(See Appendix for committee reports and petitions).

(Lieutenant Governor Davidson in the chair.)

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#### H. B. No. 315.—Re-referred.

On motion of Senator Witt, H. B. No. 315 was withdrawn from the Committee on Public Health and referred to Committee on Criminal Jurisprudence.

#### S. B. No. 213.—House Amendments Concurred In.

Senator McMillin called up S. B. No. 213 and moved that the Senate concur in the following House amendments:

Amend Senate Bill 213 by striking out Section 15 and inserting in lieu thereof the following:

"That nothing in this Act shall be construed to mean that any company or association incorporated or organized hereunder shall be exempt from the provisions of the General Laws of this State, heretofore or hereafter enacted governing the incorporation, organization, regulation and operation of companies or organizations writing insurance in this State."

Amend Section 5, S. B. No. 213, by striking out: "Such by-laws and any amendment thereto shall within thirty days after adoption be filed with said commissioner", and insert in lieu thereof the following:

"The by-laws and any change or addition to the by-laws or any amendments thereto shall first be submitted to and be approved by the commissioner before such changes or amendments shall be adopted by any company."

Amend Section 18 by inserting in line six of the section as printed on page 1116 of the House Journal, after the word "association" the words "including county and farmers mutual associations."

Amend Senate Bill 213 by inserting in line 11 of Section 8, as printed on page 1115 of the House Journal, after the word "shall" and before the word "be," the word "not."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

#### H. B. No. 622.—Free Conference Committee Report.

Senator Wood called up the Free Conference Committee Report on H. B. No. 622.

The Chair laid before the Senate the report of the Free Conference

Committee, which was read as follows:

Austin, Texas, March 10, 1923.

Hon T. W. Davidson, President of the Senate, and

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, selected and appointed to adjust the difference between the Senate and House on

H. B. No. 622, A bill to be entitled "An Act to create the Spicewood Independent School District in Burnet County, Texas, including the present Spicewood District No. 21, of said county, providing a board of trustees therefor, vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the General Laws of Texas providing that the board of trustees of the present Spicewood district No. 21 shall continue to act as such until their successors are elected in accordance with the General Laws of Texas, and declaring an emergency."

Have had the same under consideration and beg leave to report as follows, to-wit:

First, we have agreed that the Senate will recede from its amendment adding Section four (4) to the bill;

Second, we have agreed and recommend that the bill be passed without said Senate amendment.

Respectively submitted,  
STUART.  
STRONG,  
WIRTZ,

On the part of the Senate.

TEER,  
COWEN,  
THRASHER,  
SHEARER,

On the part of the House.

On motion of Senator Wood, the report was adopted.

#### Message From the Governor.

Mr. R. B. Walthall, secretary to the Governor, appeared at the bar of the Senate, and being duly announced, presented the following message from the Governor, which was read to the Senate:

Governor's Office,

Austin, Texas, March 12, 1923.

To the Members of the Texas Senate, Thirty-eighth Legislature.

Gentlemen: I am herewith returning to you, with my disapproval and veto, Senate Bill No. 197. This Act creates the Tenth Supreme Judicial District Court for Texas to be located at Waco. We now have nine Supreme Judicial District Courts composed of twenty-seven judges. As long as these nine courts take each year a three months' vacation, as they are now required to do under the law, and as long as these courts pass on less than one case per week per judge during the year, it does not appeal to my business judgment or my sense of economy to create another court to assist in doing the work now and heretofore committed to these nine courts. Therefore, this bill is vetoed.

Respectively,  
PAT M. NEFF,  
Governor.

#### S. B. No. 197—Passage Over Governor's Veto.

Senator Witt called up S. B. No. 197, and moved that the bill be reconsidered and passed notwithstanding the Governor's veto.

The roll was called and the bill was finally passed notwithstanding the Governor's veto, by the following vote:

#### Yeas—20.

Bledsoe.	McMillin
Bowers.	Parr.
Burkett.	Pollard.
Cousins.	Rice.
Darwin.	Rogers.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.

#### Nays—5.

Bailey.	Lewis.
Baugh.	Thomas.
Holbrook.	

#### Present—Not Voting.

Murphy.	Woods.
Strong.	

#### Absent.

Clark.

**Absent—Excused.**

Ridgeway. Watts.

Senator Pollard moved to reconsider the vote by which the bill was finally passed.

Senator Witt moved to table the motion to reconsider.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

**Nays—20.**

Bledsoe.	McMillin
Bowers.	Parr.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Stuart.
Doyle.	Turner.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.

**Nays—6.**

Baugh.	Murphy.
Holbrook.	Pollard.
Lewis.	Woods.

**Absent.**

Bailey.	Thomas.
Strong.	Watts.

**Absent—Excused.**

Clark.

**H. B. No. 565—Passage Over Governor's Veto.**

Senator Rice called up H. B. No. 565, and moved that the bill be reconsidered and passed notwithstanding the Governor's veto.

The roll was called and the bill was finally passed notwithstanding the Governor's veto by the following vote:

**Yeas—18.**

Bledsoe.	Murphy.
Bowers.	Parr.
Burkett.	Rice.
Darwin.	Rogers.
Davis.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
McMillin	Wood.

**Nays—6.**

Baugh.	Holbrook.
Cousins.	Lewis.
Doyle.	Woods.

**Present—Not Voting.**

Pollard.

**Absent.**

Bailey.	Thomas.
Ridgeway.	Watts.
Strong.	

**Absent—Excused.**

Clark.

**Resignation From Conference Committee.**

Senator Pollard tendered his resignation as a member of the Free Conference Committee on H. B. No. 134, and there was no objection offered.

**H. B. No. 340 on Second Reading.**

The Chair laid before the Senate as special order, on its second reading.

H. B. No. 340, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, as amended by Chapter 61, General Laws, First Called Session, Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take order for, solicit or furnish spirituous vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit, or furnish any equipment, still, mash, grain, fruit, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants, or beverages; and making it unlawful for any person, directly or indirectly, to possess or receive for the purpose of sale, or to manufacture, sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish, spirituous vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation, containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture, sell, barter, exchange, transport, export,

deliver, take orders for, solicit or furnish any other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; making proof of possession or receipt for the purpose of sale, is made unlawful in this act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 35a with reference to seizure and destruction of the vehicles and instrumentalities for violating the liquor laws, and declaring an emergency."

The bill was read second time.

The majority committee report carrying the following amendments was adopted:

"That Sections 1 and 2 of Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 61, General Laws of the First Called Session of the Thirty-seventh Legislature, making it unlawful for any person, directly or indirectly, to possess, transport or receive for the purpose of sale, or to manufacture, sell, barter, exchange, export, deliver, take orders for, solicit or furnish spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash, material, supplies, device or other thing for manufacturing, selling, bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants or beverages; and making it unlawful for any person, directly or indirectly, to possess transport, or receive for the purpose of sale, or to manufacture, sell, barter, exchange, export, deliver, take orders for, solicit or furnish spirituous, vinous, or malt liquors or medicated bitters, or any potable liquor mixture, or preparation containing in excess of one per cent of alcohol by volume, or to possess, receive, manufacture, or knowingly sell, barter, exchange, transport, export, deliver, take orders for, solicit or furnish any equipment, still, mash material, supplies, device or other thing for the manufacture, selling,

bartering, exchanging, transporting, exporting, delivering, taking orders for, soliciting or furnishing any such liquors, intoxicants, or beverages; making proof of possession prima facie evidence of guilt in all cases where possession or receipt, or possession, transportation or receipt for the purpose of sale, is made unlawful in this Act; amending Chapter 78, General Laws, Second Called Session, Thirty-sixth Legislature, by adding Section 36a with reference to seizure and destruction of the vehicles and instrumentalities for violating the liquor law; and declaring an emergency."

#### Committee Amendment No. 1.

Amend H. B. No. 340 by inserting between the figure "2" and the word "wherever," in line 28, of page 2, thereof, the following words and figures, to-wit:

"That Sections 1 and 2 of Chapter 78 of the General Laws of the Second Called Session of the Thirty-sixth Legislature, as amended by Chapter 61, General Laws of the First Called Session of the Thirty-seventh Legislature be and the same are hereby amended by adding thereto another section to be known as 'Section 2e,' reading as follows: 'Section 2e.'"

#### Committee Amendment No. 2.

Amend the caption of H. B. No. 340 by inserting between the semicolon and the word "making," in line 32, page 1, thereof, the following words and figures: "and be further amended by adding thereto Section 2e."

#### Committee Amendment No. 3.

Amend Section 1 of H. B. No. 340 by inserting the word "transport" after the word "possess," where said word first appears, and strike out the word "transport," appearing after the word "exchange" where same first appears; inserting the words "or to knowingly" after the word "manufacture" where it appears for the second time in said section; and striking out the words "grain" and "fruit" where they appear between the words "mash" and "material."

#### Committee Amendment No. 4.

Insert in Section 2 after the word "possess," where it first appears, the word "transport," and strike out the word "transport" where it appears

between the words "exchange" and "export" where these words first appear; insert the phrase "or to knowingly" between the words "manufacture" and "sell" where they appear for the second time in said section; and strike out the words "grain" and "fruit" where they appear in said section.

**Committee Amendment No. 5.**

Insert in Section 2 (being Section 2e under Amendment No. 1), after the word "possession," the word "transportation."

**Committee Amendment No. 6.**

Omit from Section 3 (in subdivision known as "Section 35a" thereof) the following clause, after the word "purpose," "(which shall be a question of law for the court to decide)."

Senator Rogers offered the following amendment to the bill:

Amend the bill by striking out second Section 2, page 1094, and insert in lieu thereof a new section to be known as Section 2a, as follows:

Sec. 2a. Wherever possession or receipt or possession or receipt for the purpose of sale, is made unlawful in this Act proof of possession of mash or of a still, or of any device for manufacturing intoxicating liquors, or proof of the possession of more than one gallon shall be prima facie evidence of guilt; but the defendant shall have the right to introduce evidence showing the legality of such possession.

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 340, page 1094 of Journal, Section 35a, by striking out all of said Section 35a of H. B. No. 340.

Senator Rogers offered the following substitute for the amendment:

Amend H. B. No. 340, page 1094 of the Senate Journal, by adding after Section 35a, the following:

Provided that this article shall not apply unless such instrumentality shall be in the possession of the owner thereof or his authorized agent at the time of such unlawful transportation or storage, and shall not affect prior lien holders.

The substitute was adopted.

The amendment as substituted was then adopted.

Senator Bailey offered the following amendment to the bill:

Amend the bill by striking out all of Section 2 and numbering the remaining sections consecutively and amend the caption by striking out the words "making proof of possession prima facie evidence of guilt in all cases where possession or receipt for the purpose of sale, is made unlawful in this Act."

Senator Bowers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—20.**

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

**Nays—8.**

Bailey.	Floyd.
Doyle.	Holbrook.
Dudley.	Parr.
Fairchild.	Wirtz.

**Absent.**

Thomas.	Watts.
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**Absent—Excused.**

Clark.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. 340 by adding after the word "vehicle" wherever it appears in Section 3, page 1094 of the Journal, the words "house, store, dwelling or other structure."

Senator Witt moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

**Yeas—20.**

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Davis.	Stuart.
Dudley.	Turner.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.

## Nays—6.

Bailey.	Murphy.
Doyle.	Parr.
Fairchild.	Wirtz.

## Absent.

Darwin.	Thomas.
Holbrook.	Watts.

## Absent—Excused.

Clark.

Senator Bowers moved the previous question on the passage of the bill to third reading, and the main question was ordered.

Senator Wirtz moved to reconsider the vote by which the main question was ordered.

Yeas and Nays were demanded, the motion to reconsider prevailed by the following vote:

## Yeas—24.

Bailey.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Davis.	Rogers.
Doyle.	Strong.
Dudley.	Stuart.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
McMillin.	Wood.
Murphy.	Woods.

## Nays—2.

Baugh.	Lewis.
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## Absent.

Bledsoe.	Thomas.
Darwin.	Watts.

## Absent—Excused.

Clark.

Senator Wirtz offered the following amendment to the bill:

Amend H. B. No. 340 by striking out of Sec. 3, page 1095 of the Journal, the words "The compensation herein provided for need not be accounted for by said officers, and may be retained by said officers and may be retained over and above their maximum compensation and excess fees."

Senator Bowers moved to table the amendment.

(Senator Dudley in the Chair.)

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—17.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Cousins.	Stuart.
Darwin.	Thomas.
Floyd.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Pollard.	

## Nays—12.

Bailey.	Murphy.
Davis.	Parr.
Doyle.	Strong.
Dudley.	Watts.
Fairchild.	Wirtz.
Holbrook.	Woods.

## Present—Not Voting.

Burkett.

## Absent—Excused.

Clark.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 340, page 3 of said bill, line 18, after the word "in" by striking out the figures "\$15.00" and insert in lieu thereof the figures "5.00."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 340, page 1095 of Senate Journal, Sec. 35a, after the word "receive" and before the word "to" by striking out the figures "5.00."

Senator Bowers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—17.

Baugh.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Stuart.
Davis.	Thomas.
Floyd.	Turner.
Lewis.	Witt.
McMillin.	Wood.
Pollard.	

## Nays—11.

Bailey.	Dudley.
Doyle.	Fairchild.

Holbrook.  
Murphy.  
Parr.  
Strong.

Watts.  
Wirtz.  
Woods.

Present—Not Voting.

Burkett.

Absent.

Bledsoe.

Absent—Excused.

Clark.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 340, page 3, of said bill, line 18, after the word "receive" and before the word "in," by striking out the figures "\$15.00" and insert in lieu thereof the figures "5.00."

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 340, page 1095, of Senate Journal, Section 35a, after the word "receive" and before the word "to," by striking out the figures "5.00."

Senator Bowers moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Baugh.  
Bowers.  
Cousins.  
Darwin.  
Davis.  
Floyd.  
Lewis.  
McMillin.  
Pollard.

Rice.  
Ridgeway.  
Rogers.  
Stuart.  
Thomas.  
Turner.  
Witt.  
Wood.

Nays—11.

Bailey.  
Doyle.  
Dudley.  
Fairchild.  
Holbrook.  
Murphy.

Parr.  
Strong.  
Watts.  
Wirtz.  
Woods.

Present—Not Voting.

Burkett.

Absent.

Bledsoe.

Absent—Excused.

Clark.

Senator Fairchild offered the following amendment to the bill:

Amend H. B. No. 340, page 1094 of the Senate Journal, by striking out all of Sec. 2 and insert in lieu thereof the following:

The same rules of evidence that govern the trial of criminal cases, as now provided by law, shall govern the trial of cases under the provision of this Act.

On motion of Senator Bowers, the amendment was tabled.

Senator Wirtz offered the following amendment to the bill:

Amend H. B. 340, by striking out of Sec. 3, page 1094 of the Journal the words "without warrant."

Senator Burkett offered the following substitute for the amendment:

Amend by inserting after the word "officer" in line 14 of Sec. 35a, the following: Provided the peace officer has been informed by a credible person that such vehicle or instrumentality is transporting in excess of one gallon of liquor; provided, further, that there is not a reasonably sufficient time for the peace officer after being so informed, to secure a warrant of seizure and arrest of the offender.

The substitute was adopted.

The amendment as substituted, was then adopted.

On motion of Senator Thomas, the vote by which the following amendment by Senator Wirtz was lost was reconsidered:

Amend H. B. No. 340, by striking out of Section 3, page 1095 of the Journal the words: "The compensation herein provided for need not be accounted for by said officers, and may be retained by said officers, and may be retained over and above their maximum compensation and excess fees."

Senator Wirtz offered the following amendment to the bill:

Amend H. B. No. 340 by adding after Section 3, a new section to read as follows:

Sec. 3a. In the event of seizure of any property under this Act the owner or person from whose possession the same was taken may maintain and prosecute under the statutes of this State relating to trial of right of property in the county of his residence.

The amendment was adopted.

Senator Burkett offered the following amendment to the bill:

Amend H. B. No. 340 by adding the following at the end of Section 3:

Provided that the person whose property is seized under the provisions of this Section shall be allowed to make a replevy bond to be approved by the officer seizing same in an amount of the reasonable value of the property so seized.

The amendment was adopted.

Senator Fairchild offered the following amendment to the bill:

Amend House Bill No. 340, by adding new Section 3a on page 1094 of Senate Journal to read as follows:

Sec. 3a. Any person violating any of the provisions of Chapter Six-a (6a) Title eleven (11) of the Penal Code of the Revised Criminal Statutes of the State of Texas, the same being known as the statewide intoxicating liquor prohibition law, shall upon conviction thereof be deemed guilty and shall be punished by a fine of not less than \$100 nor more than \$250, and by confinement in the county jail for a period of not less than one month nor more than six months, all of which time he may be worked upon the county public roads, or by confinement of not less than one year nor more than five years in the State penitentiary.

Senator Bowers moved to table the amendment.

Senator Bowers moved the previous question on the passage of the bill to third reading and the main question was ordered.

Question first recurred on the motion to table the amendment.

Yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—16.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Stuart.
Burkett.	Thomas.
Darwin.	Turner.
Doyle.	Witt.
Lewis.	Wood.
Pollard.	Woods.

Nays—11.

Bailey.	Murphy.
Davis.	Parr.
Dudley.	Rogers.
Fairchild.	Strong.
Holbrook.	Wirtz.
McMillin.	

Present—Not Voting.

Floyd.

Absent.

Cousins.

Watts.

Absent—Excused.

Clark.

Senator Murphy moved to reconsider the vote by which the previous question was ordered.

Yeas and nays were demanded, and the motion to reconsider was lost by the following vote:

Yeas—14.

Bailey.	Murphy.
Cousins.	Parr.
Dudley.	Rice.
Fairchild.	Ridgeway.
Floyd.	Strong.
Holbrook.	Wirtz.
McMillin.	Woods.

Nays—15.

Baugh.	Pollard.
Bledsoe.	Rogers.
Bowers.	Stuart.
Burkett.	Thomas.
Darwin.	Turner.
Davis.	Witt.
Doyle.	Wood.
Lewis.	

Absent.

Watts.

Absent—Excused.

Clark.

H. B. No. 340 was then passed to third reading.

Recess.

According to the terms of the caucus resolution, the Senate at 12:01 p. m. recessed until 2 p. m. today.

Afternoon Session.

The Senate met at 2 p. m. and was called to order by President Pro Tem Dudley.

Simple Resolution No. 89.

By Senator Wood:

Whereas, It has come to the knowledge of the Senate that Hon. C. D. Mims, former Secretary of State of Texas, has been suddenly called by



our Heavenly Father to his final reward, and

Whereas, The State has lost an honorable, upright, and useful citizen; therefore, be it

Resolved, by the Senate of Texas, That we extend to his family and friends our most sincere sympathy and condolence in their bereavement and irreparable loss, and when the Senate adjourns today, that it do so in honor of his memory.

Wood, Parr, Darwin, Rice, McMillin, Stuart, Lewis, Murphy, Turner, Witt, Bowers, Ridgeway, Davis, Bledsoe, Baugh.

The resolution was read and adopted unanimously by a rising vote.

#### H. B. No. 653 on Second Reading.

Senator Rogers moved that the regular order of business be suspended, and that the Senate take up out of its regular order, on second reading and passage to third reading, H. B. No. 653.

The motion prevailed by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Rice.
Burkett.	Rogers.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyle.	Wirtz.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Holbrook.	

Absent.

Parr.	Strong.
Pollard.	Watts.
Ridgeway.	

Absent—Excused.

Clark.

The Chair then laid before the Senate on its second reading and passage to third reading,

H. B. No. 653, A bill to be entitled "An Act making an appropriation for the purchase of the electric voting machines now installed in the House of Representatives, and declaring an emergency.

The Senate rule requiring committee reports to lie over one day was

suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 653 was then passed to third reading.

#### H. B. No. 653 on Third Reading.

On motion of Senator Rogers, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 653 was put upon its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Bowers.	Rice.
Burkett.	Rogers.
Cousins.	Stuart.
Darwin.	Thomas.
Davis.	Turner.
Doyie.	Watts.
Dudley.	Wirtz.
Fairchild.	Witt.
Floyd.	Wood.
Holbrook.	Woods.

Absent.

Parr.	Ridgeway.
Pollard.	Strong.

Absent—Excused.

Clark.

The Chair then laid H. B. No. 653 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—25.

Bailey.	Murphy.
Baugh.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Darwin.	Strong.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Bledsoe.	Pollard.
Cousins.	Stuart.
Parr.	

**Absent—Excused.**

Clark.

**Senate Concurrent Resolution No. 23.**

By Senator Rogers:

Whereas, The Regular Session of the Thirty-eighth Legislature has kept its members wholly engrossed in the affairs of the State for sixty days; and,

Whereas, the discharge of its duties and the extent of its labors are attested by the enactment of much legislation and the consideration of many measures not enacted; and,

Whereas, it is the opinion of the members thereof that it is not only just and reasonable that at least thirty days attention be given to their private business before being re-convened in special session, but that such delay will not in any way be detrimental to the State's interest, but on the other hand will be beneficial; therefore, be it

Resolved, that we respectfully urge these views upon the Governor for his consideration, in the hope that he may re-consider his call for a special session to convene Thursday, March 15th, and in some way make the suggested delay possible.

Rogers, Witt, Stuart, Ridgeway, Bledsoe, Cousins, Woods, Holbrook,

The resolution was read and adopted by the following vote:

**Yeas—18.**

Baugh.	Parr.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Stuart.
Davis.	Turner.
Doyle.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

**Nays—6.**

Bailey.	Murphy.
Burkett.	Strong.
McMillin.	Thomas.

**Present—Not Voting.**

Dudley.

**Absent.**

Fairchild.	Watts.
Floyd.	Wirtz.
Pollard.	

**Absent—Excused.**

Clark.

**H. B. No. 239 on Second Reading.**

On motion of Senator Woods, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B. No. 239, A bill to be entitled "An Act relating to and providing for vocational education; accepting and validating previous acceptances of the benefits of an Act passed by the Congress of the United States, approved on February 23, 1917, for the promotion of vocational education; designating the State Treasurer of the State of Texas as custodian for the reception and disbursement of all funds allotted to this State from appropriations made by the said Act of Congress; designating and authorizing the State Board of Vocational Education as the State Board of Vocational Education to act in co-operation with the Federal Board of Vocational Education in the administration of the provisions of said Act; making an appropriation of \$223,038.42, or so much thereof as may be necessary, for the fiscal year 1923-24, and an appropriation of \$267,723.90, or so much thereof as may be necessary, for the fiscal year 1924-25; naming conditions under which aid may be extended by the State Board of Vocational Education, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, and was passed to third reading.

**H. B. No. 239 on Third Reading.**

On motion of Senator Woods, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 239 was put on its third reading and final passage by the following vote:

**Yeas—22.**

Baugh.	Parr.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Dudley.	Turner.
Holbrook.	Witt.
Lewis.	Wood.
Murphy.	Woods.

**Present—Not Voting.**

Doyle.

## Absent.

Bailey.	Pollard.
Fairchild.	Watts.
Floyd.	Wirtz.
McMillin.	

## Absent—Excused.

Clark.

The Chair then laid H. B. No. 239 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—21.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Burkett.	Strong.
Cousins.	Stuart.
Darwin.	Thomas.
Dudley.	Turner.
Holbrook.	Witt.
Lewis.	Wood.
Murphy.	Woods.
Parr.	

## Nays—2.

Davis.	Doyle.
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## Absent.

Bailey.	Pollard.
Fairchild.	Watts.
Floyd.	Wirtz.
McMillin.	

## Absent—Excused.

Clark.

## H. B. No. 469 on Second Reading.

On motion of Senator Parr, by unanimous consent, the regular order was suspended and the senate took up out of its regular order,

H. B. No. 469, A bill to be entitled "An Act to amend Sec. 70, of Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of Texas by providing for amortization and an emergency fund for water improvement and irrigation districts, and directing the purpose for which said fund shall be expended, and providing for its investment, and to amend Section 95 of said Chapter 87 by providing the method and manner of making and collecting water assessments, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and was passed to third reading.

## H. B. No. 469 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 469 was put upon its third reading and final passage by the following vote.

## Yeas—22.

Bailey.	Parr.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Holbrook.	Witt.
Lewis.	Wood.
Murphy.	Woods.

## Absent.

Baugh.	Fairchild.
Burkett.	Floyd.
McMillin.	Watts.
Pollard.	Wirtz.

## Absent—Excused.

Clark.

The Chair then laid H. B. No. 469 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—23.

Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
Murphy.	Woods.
Parr.	

## Present—Not Voting.

Bailey.

## Absent.

Baugh.	McMillin.
Fairchild.	Pollard.
Floyd.	Watts.

## Absent—Excused.

Clark.

**H. B. No. 270 on Second Reading.**

On motion of Senator Burkett, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B. No. 270, A bill to be entitled "An Act to provide for the making and preservation of reports and records of all intoxicating liquors and personal property used for the purpose of violating the intoxicating liquor laws, seized by officers; to provide for the custody and disposition of such liquors and property and to provide penalties and punishment for violation of its terms, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, the committee report that it be not printed was adopted and was passed to third reading.

**H. B. No. 270 on Third Reading.**

On motion of Senator Burkett the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 278 was put upon its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Murphy.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.

Absent.

Baugh.	Parr.
Fairchild.	Pollard.
Floyd.	Watts.
McMillin.	Woods.

Absent—Excused.

Clark.

The Chair then laid H. B. No. 270 before the Senate on its third reading and final passage.

The bill was read the third time and passed.

**H. B. No. 111 on Second Reading.**

On motion of Senator Ridgeway, by unanimous consent, the regular

order was suspended and the Senate took up out of its regular order,

H. B. No. 111, A bill to be entitled "An Act to preserve, propagate, distribute and protect the wild game animals, wild game birds and fowls, and wild birds of this State; defining offenses and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; the appointment of deputy Game, Fish and Oyster Commissioners, prescribing their duties and compensations, making provisions for the creation of a special game fund and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, general and special, in conflict herewith, and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time, with the committee report carrying the following amendments was adopted:

**Amendment No. 1.**

Amend H. B. No. 111, Section 7, sixth paragraph, by striking out the words "Wilbarger and Hunt" and by inserting in lieu thereof the words "Hall and Childress."

**Amendment No. 2.**

Amend H. B. No. 111, Section 17, fourth line, by inserting after the word "county" the following words "and any person violating any provision of this section."

**Amendment No. 3.**

Amend H. B. No. 111, Section 27, fifth line, by striking out the word "and" and inserting in lieu thereof the words "shall be."

**Amendment No. 4.**

Amend H. B. No. 111, by adding after Section 37, a new section to be entitled Section 37a, said new section to read as follows:

"Sec. 37a. Whoever shall sell or offer for sale, have in his or her possession for the purpose of sale, or whosoever shall purchase or have in his or her possession after purchase, any wild deer, wild antelope, wild Rocky Mountain sheep, or wild pecary known as javeline in this state, or the carcass thereof, or the hide thereof, or the antlers thereof, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than ten dollars nor more than one hundred dollars."

## Amendment No. 5.

Amend H. B. No. 111, by inserting after Section 69 a new section to be entitled Section 69a, the same to read as follows:

"Section 69a. If any section of this bill shall be held unconstitutional, it shall not affect any other section of this bill, and all sections save the one that may be declared unconstitutional shall continue to be in full force and effect."

## Amendment No. 6.

Amend H. B. No. 111, Section 30, by striking out the following words, "provided that the open season for killing deer in the counties of Brazoria and Matagorda shall be the months of August and September of each year."

## Amendment No. 7.

Amend Section 42 of H. B. No. 111 by substituting in lieu thereof the following: "Section 42. All licenses, fees, and hunting boat registration fees collected under this Act, and all fines, penalties and forfeitures of bonds imposed and collected for violation of any of its provisions shall belong to the Special Game Fund of this state and shall be paid over by the Game, Fish and Oyster Commissioner to the State Treasurer during the first week of each month, and shall be credited to the Special Game Fund, and such fund shall be used solely for the purpose of wild bird and game protection, for the creation and purchase and maintenance of game sanctuaries and public hunting grounds; for the purchase, introduction, propagation, and distribution of game and wild birds, for the dissemination of information pertaining to the conservation of wild animal life, and in the employment of special commissioners, payment of their necessary expenses, and the purchase and supply of means to enable such commissioners to enforce the game laws. All such expenditures shall be verified by the affidavits to the Game, Fish and Oyster Commissioner, and on the approval of such expenditures by the Game, Fish and Oyster Commissioner, or the Chief Deputy Game, Fish and Oyster Commissioner, it shall be the duty of the Comptroller of the State to draw his warrant on the Treasurer of the State for the amount of such expenditures in favor of the person claiming the same, to be paid out of the Special Game Fund.

All moneys and all balances now in such fund from moneys already paid into the State Treasury, or that may hereafter be paid into the said fund, through or because of this Act, are made available as soon as appropriated by the Legislature, and not before, for the several purposes before mentioned."

On motion of Senator Wood, committee amendments Nos. 1 to 6, inclusive, were adopted.

Question then recurred on committee amendment No. 7.

Senator Parr offered the following amendment to the amendment:

Amend H. B. No. 111, page 1415, Senate Journal, by striking out committee amendment No. 7.

Senator Wood moved to table the amendment to the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—17.

Baugh.	Doyle.
Bledsoe.	Dudley.
Bowers.	Holbrook.
Lewis.	Ridgeway.
McMillin.	Rogers.
Murphy.	Stuart.
Burkett.	Wirtz.
Darwin.	Wood.
Davis.	

## Nays—10.

Bailey.	Strong.
Cousins.	Thomas.
Fairchild.	Turner.
Parr.	Watts.
Pollard.	Woods.

## Absent.

Floyd.	Witt.
Rice.	

## Absent—Excused.

Clark.

The committee amendment No. 7 was then adopted.

Senator Doyle offered the following amendment to the bill:

To amend H. B. No. 111, that Freestone County and Limestone County be exempted from the provisions of this Act.

On motion of Senator Wood, the amendment was tabled.

Senator Wirtz offered the following amendment to the bill:

Amend H. B. No. 111 by adding to Section 50, page 1411 of the Senate Journal, the following sentence: "And

provided, further, that persons under 18 years of age may hunt within the county of their residence without a license."

Senator Doyle offered the following amendment to the bill:

Amend H. B. No. 111, page 1411, Section 50, by inserting the following: "That a license shall not be required of any person to hunt with a gun in the county of his or her residence."

Senator Floyd offered the following amendment to the bill:

Amend H. B. No. 111, exempting the following counties from the provisions of this Act: Lamar, Red River, Delta, Hopkins, Franklin and Titus.

On motion of Senator Parr, the bill and pending amendments were passed on the calendar and made pending business immediately following the disposition of the special order, which was S. B. No. 422.

#### S. B. No. 123—House Amendments. Concurred In.

Senator Thomas moved to rescind the action of the Senate in refusing to concur in House amendments to S. B. No. 123.

The roll was called and the motion prevailed by the following vote:

#### Yeas—27.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Bailey.	Rice.
Holbrook.	

Absent—Excused.

Clark.

Senator Thomas then moved that the Senate do concur in the House amendments.

The roll was called and the House amendments were concurred in by the following vote:

#### Yeas—25.

Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Stuart.
Davis.	Thomas.
Dudley.	Turner.
Fairchild.	Watts.
Floyd.	Wirtz.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	

#### Nays—3.

Bailey.	Holbrook.
Doyle.	

Absent.

Strong.	Woods.
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Absent—Excused.

Clark.

#### S. B. No. 422 on Engrossment.

The Chair laid before the Senate as pending business and special order on its passage to engrossment, S. B. No. 422, authorizing the purchase of the I.-G. N. Ry. Co. by the Frisco Railway System, the bill having been read second time on last Saturday.

The Chair, under the Senate rules, laid before the Senate H. B. No. 681, being a bill on the same subject as follows:

H. B. No. 681, A bill to be entitled "An Act to authorize the St. Louis, San Francisco & Texas Railway Company to purchase, own and operate as a part of its line the railroad of International & Great Northern Railway Company, the railroad of Fort Worth & Rio Grande Railroad Company, the railroad of Paris & Great Northern Railroad Company, the railroad of the Brownwood, North & South Railway Company, the railroad of Quanah, Acme & Pacific Railway Company, or any one or more of said railroads, together with the franchises, properties, rights and privileges of said companies or any of them, and authorizing the said companies and each or any of them to sell and convey all of its or their said railroads, constructed or to be constructed, and all other properties, rights, franchises and privileges to said St. Louis, San Francisco & Texas Railway Company, and authorizing said St. Louis, San

Francisco & Texas Railway Company, in connection with the purchase of said properties or any them, to assume the payment in whole or in part of any or all bonds secured by mortgage or mortgages upon the properties so purchased, and or to issue its stock or bonds in respect of the properties so purchased,, and authorizing said St. Louis, San Francisco & Texas Railway Company to construct, own and operate as a part or parts of its line the unfinished portion or portions of said railroads, or any of them between the termini as defined in their respective charters, and to construct, own and operate as a part or parts of its line all extensions and branches of said railroads, or any of them under or as authorized in and by the charter of said St. Louis, San Francisco and Texas Railway Company, or any amendment thereof, made or to be made in pursuance of the general laws of the State of Texas, and declaring an emergency."

The bill was read second time and the committee report that the bill be not printed was adopted.

Senator Stuart offered the following amendment to the bill:

Amend H. B. No. 681, page 5, by adding at the end of Section 4a, the following:

"Provided, however, that nothing herein contained shall be construed to require or compel the St. Louis, San Francisco & Texas Railway Company to locate or maintain its general offices at any place not mentioned in its charter, or such amendments thereof as may be hereafter granted under the laws of the State of Texas."

Senator Stuart during the speech of Senator Fairchild on H. B. No. 681 made the point of order that no Senator could speak more than once until all the Senators desiring had spoken and could not speak more than twice without the consent of the Senate.

The Chair (Lieutenant Governor Davidson) ruled the point of order came too late and should have been made when Senator Fairchild asked for recognition.

#### Recess.

Under the caucus resolution, the Senate at 5 p. m. recessed until 7:30 p. m. today.

#### Night Session.

The Senate met at 7:30 p. m. and was called to order by President pro tem R. M. Dudley.

#### S. B. No. 267—House Amendment Concurred In.

Senator Parr called up S. B. No. 267 and moved that the Senate concur in the following House amendments:

(1). Amend S. B. No. 267, page 2, line 8, by adding after the figure "3," the following: "or Sec. 59 of Article 16."

(2). Amend S. B. No. 267, page 2, line 31, after the figure "3" by adding the following: "or Sec. 59 of Article 16."

(3). Amend S. B. No. 367 by adding thereto in line 17, page 2 after figure "3" on said line: "or organized under Sec. 59 of Article 16."

(4). Amend S. B. No. 267 by adding between Sections 14 and 15, two new sections to be designated as Sections 14a and 14b as follows:

Sec. 14a. It is expressly provided that the terms of this Act shall not in any manner apply to any county in this State except such county as may have been relieved from the payment of taxes for a term of years by act of the Legislature under and by virtue of the provisions of Sec. 10 of Article 8 of the Constitution of the State of Texas.

Sec. 14b. Any county authorized under the provisions of this Act to issue bonds may issue such bonds for the improvement of rivers, creeks and streams to prevent overflow, and for all necessary drainage purposes in connection therewith, and bonds proposed to be issued for the combined purposes stated in this Act, or for any two of said purposes, shall be treated and deemed as for one purpose, and may be voted upon as one proposition.

(5). Amend S. B. No. 267 in Caption, page 1, line 21, after the figure "3" by adding the following: "or Section 59 of Article 16 and by adding on page 1, line 21, after the word "Constitution," the words, "for the reclamation of lands and."

The Chair laid the bill before the Senate and the House amendments were concurred in.

**S. B. No. 134—House Amendments  
Concurred In.**

Senator Parr called up S. B. No. 134 and moved that the Senate concur in the following House amendments:

Amend S. B. No. 134 by exempting the counties of Hill, Gregg, Smith, Milam, Upshur and Camp from the provisions of this Act.

The Chair laid the bill before the Senate, and the House amendments were concurred in.

**H. B. No. 637 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 637, A bill to be entitled "An Act to amend Sec. 2 of Chapter 85 of the Local and Special Laws of the State of Texas passed at the Second Called Session of the Thirty-sixth Legislature, being 'An Act creating a more efficient road system for Wichita County, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such; providing for the compensation of such road commissioners and defining the powers and duties of such county commissioners; providing for the maintenance of such part or parts of national and State highways as are in Wichita County; providing for the construction and maintenance of such highways through the corporate limits of incorporated cities and towns in said district; providing for the employment of a county road superintendent and defining the duties of such road superintendent; providing when the commissioners' court of said county shall order an election for the issuance of bonds for the improvement of public roads, such bonds must be designated in said order; providing for the maintenance of roads constructed with the proceeds of the sale of such bonds; providing for the compensation of county treasurer for handling funds arising from said land sales; providing the character of construction to be used for such roads; providing for eminent domain, making it optional for Wichita County to proceed to condemn land under railroad condemnation statute or to act under general law relative to opening public roads

by jury of view; providing for the employment of convicts on county roads; authorizing the commissioners' court to order railway companies to ditch or drain along their rights of way in such manner as to prevent injury to the public highways; providing for liability to the county for damages resulting from hauling heavy loads on such highways; providing penalties for the obstruction or diversion of the flow of rainfall in such manner as to cause damage to the highways of said county; providing for the issuance of bonds in such manner as is provided by the general laws of the State of Texas; defining the meaning of the words 'road' and 'highway'; authorizing the investment of sinking funds of said county in bonds authorized by law; prohibiting county officials of Wichita County from becoming financially interested in contracts of said county, and prescribing penalties therefor; repealing all laws and parts of laws in conflict herewith; providing that provisions of this Act are cumulative of the general laws of the State of Texas when not in conflict therewith; providing for the repeal of Chapter 29 of the General Laws of Texas, approved March 22, 1918, insofar as the same affects Wichita County, and declaring an emergency,' this amendment being for the purpose of providing that the road taxes, general and special, for Wichita County, and the gross registration, chauffeur and transfer fees collected on motor vehicles and the like as now or hereafter provided by law, and paid into the county depository of Wichita County to the credit of its special highways fund, shall be distributed among the forty commissioners' precincts in accordance with the residence or business address of such registrant or owner, and to be expended only upon the public roads or system within such commissioners' precinct except with the consent of the commissioner from whose precinct said funds are to be transferred; repealing all laws in conflict, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—26.

Bailey.	Burkett.
Baugh.	Cousins.
Bledsoe.	Darwin.
Bowers.	Davis.



Doyle.	Rice.
Dudley.	Ridgeway.
Fairchild.	Rogers.
Floyd.	Strong.
Holbrook.	Stuart.
McMillin.	Turner.
Murphy.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Absent.

Lewis.	Watts.
Thomas.	Woods.

Absent—Excused.

Clark.

**H. B. No. 663 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 663, A bill to be entitled "An Act to repeal all special laws relating to public roads of Nacogdoches County, as well as all general laws in conflict with this Act and to create by this Act a more efficient road system for Nacogdoches County, Texas; to provide for the appointment of hands and laying out of road precincts; specifying those subject to road duty and the number of days they shall work upon the public roads each year; to provide for relieving citizens of road duty by payment to the county treasurer of \$5 for each road year; to encourage donation to the public roads by citizens of said county, and providing for donations to be duplicated by the county treasurer out of the road and bridge fund of said county; providing for appointment of road overseers; making the county supervisors of the roads in their commissioner's precinct; prescribing their duties; prescribing the mode of warning those subject to road duty under the terms of this Act, and making it a misdemeanor to violate the provisions of this Act, and fixing a penalty therefor, and repealing all general and special laws in conflict herewith."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Darwin.
Baugh.	Davis.
Bledsoe.	Doyle.
Bowers.	Dudley.
Burkett.	Fairchild.
Cousins.	Floyd.

Holbrook.	Rogers.
Lewis.	Strong.
McMillin.	Stuart.
Murphy.	Turner.
Parr.	Wirtz.
Pollard.	Witt.
Rice.	Wood.
Ridgeway.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

**H. B. No. 685 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 685, A bill to be entitled "An Act amending Chapter 64 of the General Laws of the Thirty-fourth Legislature, passed at its Regular Session, fixing the time for holding court in the Twenty-second Judicial District, and changing the time of holding the district courts in Austin, Hays and Caldwell Counties, and providing an extra term of court each year for the counties of Hays and Caldwell; to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

**H. B. No. 585 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 585, A bill to be entitled "An Act to amend Section 1, Chapter 6, of the Acts of the Regular Session of the Thirty-fourth Legislature so as to change the time and terms of holding the district court, in the Seventy-eighth Judicial District of Texas, composed of Wichita County; to validate all process heretofore issued, bonds and recognizance heretofore taken in the courts of said district or to be rendered; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

**Yeas—27.**

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

**Absent.**

Thomas.	Woods.
Watts.	

**Absent—Excused.**

Clark.

**H. B. No. 564 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 564, A bill to be entitled "An Act amending Sections 6 and 6a of Chapter 8, being H. B. No. 45, passed at the First Called Session of the Thirty-seventh Legislature of the State of Texas, and entitled 'An Act to amend Chapter 46 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, being an Act to reorganize the Twenty-eighth Judicial District of the State of Texas, etc.,' and providing for the changing and fixing the time of holding the

courts in the Twenty-eighth Judicial District of Texas, and validating and continuing all processes and writs, bonds, recognizances and jurors heretofore selected, etc., returnable to the terms of court as they now exist, and continuing in session any court in said district now in session until adjourned by the judge thereof, and declaring an emergency."

The bill was read third time and passed by the following vote:

**Yeas—27.**

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

**Absent.**

Thomas.	Woods.
Watts.	

**Absent—Excused.**

Clark.

**H. B. No. 657 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 657, A bill to be entitled "An Act to amend Chapter 92 of the Special Laws of the Regular Session of the Thirty-sixth Legislature, known as an Act to create a more efficient road system for Angelina County, by re-enacting Section 8 and adding thereto a new section to be known as Section 8a, and declaring an emergency."

The bill was read second time and passed to third reading.

**H. B. No. 657 on Third Reading.**

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 657 was put upon its third reading and final passage by the following vote:

## Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

The Chair then laid H. B. No. 657 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

## H. B. No. 188 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 188, A bill to be entitled "An Act to establish a system of public roads and bridges for Tarrant County, and to empower the commissioners' court thereof to provide rules and regulations therefor, and a system for the construction of such

roads and bridges, the maintenance and repair thereof, and to condemn private property for such purposes; to constitute each county commissioner ex-officio commissioner of the public roads and bridges of his precinct, and to prescribe the powers and duties of the county commissioners; to authorize and regulate the issuance and sale of bonds under this Act, and to provide other forms of indebtedness and for the levy of taxes for such purposes, and to allow the issuance of bonds for the purpose of funding or refunding any bonded or other indebtedness heretofore or hereafter incurred by said county; to regulate the expenditure of moneys arising from the sale of such bonds, and from the levy of taxes for roads and bridges purposes; to designate and define certain cardinal roads in the county; to provide for the selection of a county engineer, and for the employment of a consulting engineer; to employ special counsel for the county; to empower the commissioners' court to make such contracts with respect to the construction, maintenance or repair of roads and bridges that may be necessary, and to employ the convicts on said roads, and to provide for the compensation of the commissioners for the performance of their duties under the terms of this Act; and repealing all laws in conflict with the provisions hereof, and declaring an emergency."

The bill was read third time.

Senator Stuart offered the following amendments to the bill.

(No. 1.)

Amend H. B. 188 by striking out the words and figures eighteen hundred (\$1,800.00) dollars where the same appear in Section 18 of said bill and insert in lieu thereof the words and figures "twelve hundred (\$1,200.00) dollars."

(No. 2.)

Amend H. B. No. 188 by striking out the figures \$150.00 where the same appears in Section 18 of said bill and insert in lieu thereof the figures \$100.00.

(No. 3.)

Amend H. B. No. 188 by striking out of the last sentence in Section 18 of said bill the following clause, "including motor fuel and upkeep."

The amendments were adopted severally.

H. B. No. 188 was then passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

(Lieutenant Governor Davidson in the Chair.)

#### H. B. No. 553 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 553, A bill to be entitled "An Act to amend Section 52 of Article 30, Title 5, of the Revised Statutes, changing the time of holding the terms of the district court of the Fifty-second Judicial District of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

#### H. B. No. 691 on Third Reading.

The Chair laid before the Senate as regular order, on its third reading and final passage.

H. B. No. 691, A bill to be entitled "An Act to amend Chapter 61 and Special Laws of the Thirty-seventh Legislature entitled 'An Act to amend H. B. No. 602, Chapter 21, page 79, of the Local and Special Laws of the Thirty-fifth Legislature, passed at its Regular Session, approved February 23, 1917, creating the Buna Independent School District so as to correct the field notes in said Act, and providing for the Buna Independent School District, known as Common School District No. 13, in Jasper County, Texas, and defining its boundaries; and to provide for the creating of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax for the maintenance and support of said schools; providing for a board of equalization and prescribing the duty and authority of said board, and further prescribing the duty and authority of the board of trustees, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, so as to strike out the words 'and free-holders' from Section 6 thereof, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—27.

Bailey.	Davis.
Baugh.	Doyle.
Bledsoe.	Dudley.
Bowers.	Fairchild.
Burkett.	Floyd.
Cousins.	Holbrook.
Darwin.	Lewis.

McMillin.	Strong.
Murphy.	Stuart.
Parr.	Turner.
Pollard.	Wirtz.
Rice.	Witt.
Ridgeway.	Wood.
Rogers.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

**S. B. No. 325—House Amendments  
Concurred In.**

Senator Holbrook called up S. B. No. 325 and moved that the Senate concur in the following House amendments:

Amend S. B. No. 325 by striking out all of Article 10 of Section 1 and all reference to Article 10 in Section 1.

Amend caption of S. B. No. 325 by striking out the number "10" where it occurs.

The Chair laid the bill before the Senate, and the House amendments were concurred in by the following vote:

Yeas—27.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	

Absent.

Thomas.	Woods.
Watts.	

Absent—Excused.

Clark.

**S. B. No. 291—House Amendments  
Concurred In.**

Senator Pollard called up S. B. No. 291 and moved that the Senate concur in the following House amendments:

Strike out in S. B. No. 291, on page 1, all that part of Section 1 through

and including the word "accounts" in line 1, page 2, and insert in lieu thereof the following:

Section 1. That Article 7381 of the Revised Civil Statutes of 1911 be amended so as to hereafter read as follows:

Article 7381. Each and every individual, company, corporation or association, whether incorporated under the laws of this State, or of any other State or nation, engaged in publishing, printing and selling such text books as are used, or will be used, in the schools of this State, or owning, controlling or managing any such business, within the State or out of it, and having State agencies within this State for the purpose of selling any such books to be used in any of the schools of this State, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts.

(1)

Amend Senate Bill No. 291, page 2, line 15, after the word "report" insert the following: "provided that after September 1, 1929, no further tax shall be assessed under the provisions of this Article, but all taxes accruing under the provisions hereof prior to said date shall nevertheless be paid."

(2)

Amend Senate Bill No. 291, amend caption, page 1, line 25, after the word "State" insert the following: "provided that no tax shall be levied under the provisions of this article after September 1, 1929."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

**S. B. No. 262—House Amendments  
Concurred In.**

Senator Baugh called up S. B. No. 262 and moved that the Senate concur in the following House amendments:

Amend S. B. No. 262, Section 1, page 1, line 8, of said section by striking out the word "twenty-fourth" and insert in lieu thereof the word "twenty-third"; and in line 9 of said section, after the word "session" insert the words "five weeks," or strike out on line 16 of said section the word "five" and in lieu thereof insert the word "four."

Strike out on page 2 of the bill wherever they occur the words "last

Monday in August" and insert in lieu thereof the words "first Monday in September."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

#### **S. B. No. 406—House Amendments Concurred In.**

Senator Darwin called up S. B. No. 406 and moved that the Senate concur in the following House amendments:

Amend the caption to Senate Bill No. 406, as printed in the House Journal on page 1397, by adding after the words "letting of such contract" the following: "requiring check for five per cent of bid to accompany same and requiring successful bidders to furnish bond."

The Chair laid the bill before the Senate, and the House amendments were concurred in.

#### **H. B. No. 45—Conference Committee Appointed.**

The Chair, Lieutenant Governor Davidson, announced the appointment of the following free conference committee on H. B. No. 45: Senators Wood, Baugh, Davis, Rice and Thomas.

#### **H. B. No. 134—Conference Committee Appointed.**

The Chair announced the appointment of Senator McMillin on the free conference committee on H. B. No. 134 in the place of Senator Pollard, resigned.

#### **H. B. No. 452 on Third Reading.**

The Chair laid before the Senate as regular order, on its third reading and final passage,

H. B. No. 452, A bill to be entitled "An Act amending Section 1, of Chapter 5, of the General Laws of the First Called Session of the Thirty-fifth Legislature, and providing for the fixing of an indeterminate sentence upon conviction for a felony; and providing for conditional pardon of persons convicted of felony under certain conditions."

The bill was read third time and passed.

#### **H. B. No. 499 on Third Reading.**

The Chair laid before the Senate as regular order on its third reading and final passage,

H. B. No. 499, A bill to be entitled "An Act to prescribe a closed season on quail and doves in Grayson and Collin Counties; providing for penalties for violation for same; providing that roadrunners or chaparrals may be killed at any time, and providing that if any section or part of section in this Act be declared unconstitutional, the remainder of such Act shall remain in full force and effect; adequate fees for the securing of convictions; repealing all laws in conflict herewith, and declaring and emergency."

The bill was read third time.

Senator Rogers offered the following amendment to the bill:

Amend H. B. No. 499 by striking out the words "Collin County" wherever it occurs.

The amendment was adopted by unanimous consent.

Senator McMillin offered the following amendment to the bill:

Amend H. B. No. 499 by striking out the words "five years" wherever they occur in the bill and insert the words "three years."

The amendment was adopted by unanimous consent.

H. B. No. 499 was then finally passed.

#### **H. B. No. 693 on Second Reading.**

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 693 was put upon its second reading and passage to third reading by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.  
 Thomas. Watts.  
 Absent—Excused.  
 Clark.

The Chair then laid before the Senate on second reading,

H. B. No. 693, A bill to be entitled "An Act to amend Section 1 of Chapter 7, being House Bill No. 96, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, and entitled 'An Act creating an independent school district to be known as 'Calallen Independent School District, and to provide,' etc.; and also to amend Section 1, Chapter 22, being House Bill No. 35, passed at the First Called Session of the Thirty-second Legislature of the State of Texas and entitled 'An Act to create the Robstown Independent School District,' etc.; prorating the indebtedness against the Calallen Independent School District, providing that the entire Robstown Independent School District, may, by an election held for that purpose, assume and become liable for the amount of indebtedness prorated against that portion of said Robstown Independent School District by this Act attached thereto formerly belonging to the Calallen Independent School District, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 693 was then passed to third reading.

#### H. B. No. 693 on Third Reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 693 was put upon its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Darwin.
Baugh.	Davis.
Bledsoe.	Doyle.
Bowers.	Dudley.
Burkett.	Fairchild.
Cousins.	Floyd.

Holbrook.	Rogers.
Lewis.	Strong.
McMillin.	Stuart.
Murphy.	Turner.
Parr.	Wirtz.
Pollard.	Witt.
Rice.	Wood.
Ridgeway.	Woods.

Absent.

Thomas. Watts.  
 Absent—Excused.  
 Clark.

The Chair then laid H. B. No. 693 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas. Watts.  
 Absent—Excused.  
 Clark.

#### H. B. No. 503 on Second Reading.

The Chair then laid before the Senate as regular order, on its second reading,

H. B. No. 503, A bill to be entitled "An Act for the protection of those who have filed pre-emption or homestead donation claims on school section 2, S. P. Ry. Co., Certificate 16-58' in Jack County, Texas, by authorizing the original pre-emptors or their assignees in good faith and for value to purchase, and the Commissioner of the General Land Office to sell to them such portions as they own in good faith and for value under said pre-emption or homestead claim at fifty (50 cents per acre, after they have filed field notes in the General

Land Office and have met such requirements as the law imposes on the owners of homestead or pre-emption claims and purchasers of school lands desiring patents therefor, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 503 was then passed to third reading.

#### H. B. No. 503 on Third Reading.

On motion of Senator McMillin, the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 503 was put upon its third reading and final passage by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas. Watts.

Absent—Excused.

Clark.

The Chair then laid H. B. No. 503 before the Senate on its third reading and final passage.

The bill was read the third time and passed.

#### H. B. No. 99 on Second Reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 99 was put upon its second reading and passage to third reading by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas. Watts.

Absent—Excused.

Clark.

The Chair then laid before the Senate on its second reading,

H. B. No. 99, A bill to be entitled "An Act fixing the compensation of county commissioners in counties containing less than eighteen thousand inhabitants, and constituting a separate judicial district."

The bill was read the second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 99 was then passed to third reading.

#### H. B. No. 99 on Third Reading.

On motion of Senator Burkett the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 99 was put upon its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Floyd.
Baugh.	Holbrook.
Bledsoe.	Lewis.
Bowers.	McMillin.
Burkett.	Murphy.
Cousins.	Parr.
Darwin.	Pollard.
Davis.	Rice.
Doyle.	Ridgeway.
Dudley.	Rogers.
Fairchild.	Strong.



Stuart.	Witt.
Turner.	Wood.
Wirtz.	Woods.

Absent.

Thomas.	Watts.
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Absent—Excused.

Clark.

The Chair then laid H. B. No. 99 before the Senate on its third reading and final passage.

The bill was read the third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas.	Watts.
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Absent—Excused.

Clark.

#### H. J. R. No. 16 on Engrossment.

Senator Burkett called up H. J. R. No. 16, which was passed to engrossment Saturday, and the vote by which it passed to engrossment having been reconsidered.

Senator Burkett offered the following amendment to the resolution:

Amend H. J. R. No. 16 by striking out from the Caption in the 9th line after the word "highways" the following: "authorizing the Legislature to provide for the issuance of bonds of the State or other form of indebtedness for the construction of a State system of public highways and to provide for the payment of said bonds" so the amended caption will read as follows:

A Joint Resolution proposing an amendment to Article VIII of the Constitution of the State of Texas, which relates to taxation and revenues, by adding thereto a new section to be

known as Sec. 9a, directing the Legislature to provide for the construction, operation and maintenance, under State control, of a State system of public highways, providing for an election for the ratification or rejection of the amendment herein proposed, and making an appropriation to defray the expense of said election.

Amend Sec. 9a by striking out in the second paragraph of said section the first six lines and that portion of the seventh line ending in the word "notwithstanding" so that the amended section 9a second paragraph shall read as follows:

"When said system shall have been designated and taken over for the State as provided in Sec. a hereof, the Legislature is authorized to make provision for the equitable compensation to such counties for the value of such improvements as have been theretofore constructed by the counties in the State."

The amendment was adopted.

H. J. R. No. 16 was then passed to engrossment.

#### H. B. No. 694 on Second Reading.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 694 was put on its second reading and passage to third reading by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas.	Watts.
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Absent—Excused.

Clark.

The Chair then laid before the Senate on its second reading,

H. B. No. 694, A bill to be entitled "An Act authorizing the appointment of a person to represent the State of Texas in a conference with representatives of the United States and the State of New Mexico with a view to negotiating an agreement concerning the storage division and use of the waters of the Pecos River in New Mexico and Texas; authorizing the gathering of data and information necessary thereto; prescribing the authority and duties of such representatives; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor; making an appropriation to carry out the purposes of the Act, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 694 was then passed to third reading.

#### H. B. No. 694 on Third Reading.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 694 was put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas. Watts.

Absent—Excused.

Clark.

The Chair then laid H. B. No. 694 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Ridgeway.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Stuart.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.

Absent.

Thomas. Watts.

Absent—Excused.

Clark.

#### H. B. No. 433 on Second Reading.

The Chair laid before the Senate as regular order, on its second reading,

H. B. No. 433, A bill to be entitled "An Act making it a misdemeanor punishable by a fine of not less than \$25.00 nor more than \$100.00 for any person to kill in any manner any wild male or female deer in the counties of San Augustine, Live Oak, Frio, LaSalle, and Atascosa at any time within five years from the date on which this Act goes into effect."

The bill was read the second time.

(President Pro Tem Dudley in the Chair.)

Senator Baugh offered the following amendment to the bill:

Amend H. B. No. 433 by striking out the counties of Frio, Live Oak, McMullen and LaSalle, both in the caption and in the body of the bill.

Senator Bailey moved to table the amendment.

The roll was called and the motion to table was lost by the following vote:

Yeas—13.

Bailey.	McMillin.
Cousins.	Parr.
Darwin.	Pollard.
Davis.	Rogers.
Doyle.	Strong.
Fairchild.	Woods.
Floyd.	

## Nays—13.

Baugh.	Ridgeway.
Bledsoe.	Stuart.
Bowers.	Turner.
Dudley.	Wirtz.
Lewis.	Witt.
Murphy.	Wood.
Rice.	

Present—Not Voting.

Holbrook.

Absent.

Burkett.	Watts.
Thomas.	

Absent—Excused.

Clark.

The amendment was then adopted.  
Senator Wood moved to postpone further consideration of the bill indefinitely.

Yeas and nays were demanded, and the motion to postpone was lost by the following vote:

## Yeas—12.

Baugh.	Rice.
Bledsoe.	Ridgeway.
Bowers.	Rogers.
Darwin.	Stuart.
Dudley.	Turner.
Murphy.	Wood.

## Nays—12.

Bailey.	McMillin.
Cousins.	Parr.
Davis.	Pollard.
Doyle.	Strong.
Fairchild.	Witt.
Holbrook.	Woods.

Present—Not Voting.

Lewis.

Absent.

Burkett.	Watts.
Floyd.	Wirtz.
Thomas.	

Absent—Excused.

Clark.

Senator Doyle moved to reconsider the vote by which the amendment by Senator Baugh was adopted.

Senator Wood moved to table the motion to reconsider.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—13.

Baugh.	Fairchild.
Bledsoe.	Holbrook.
Dudley.	Lewis.

Murphy.	Turner.
Rice.	Wirtz.
Ridgeway.	Wood.
Stuart.	

## Nays—13.

Bailey.	Parr.
Cousins.	Pollard.
Darwin.	Rogers.
Davis.	Strong.
Doyle.	Witt.
Floyd.	Woods.
McMillin.	

Absent.

Bowers.	Thomas.
Burkett.	Watts.

Absent—Excused.

Clark.

Senator Floyd moved the previous question on the passage of the bill to third reading, and the main question was ordered.

Question first recurred on the motion to reconsider.

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

## Yeas—12.

Bailey.	Holbrook.
Cousins.	Parr.
Davis.	Pollard.
Doyle.	Strong.
Fairchild.	Thomas.
Floyd.	Woods.

## Nays—11.

Baugh.	Ridgeway.
Bledsoe.	Rogers.
Burkett.	Turner.
Darwin.	Wirtz.
Dudley.	Wood.
Murphy.	

Present—Not Voting.

Lewis.	Rice.
McMillin.	Stuart.

Absent.

Bowers.	Witt.
Watts.	

Absent—Excused.

Clark.

The amendment was lost.  
The motion to postpone indefinitely was lost.

H. B. No. 433 was then passed to third reading.

**H. B. No. 538 on Second Reading.**

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 538 was put upon its second reading and passage to third reading by the following vote:

**Yeas—29.**

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent.**

Watts.

**Absent—Excused.**

Clark.

The Chair then laid before the Senate on its second reading,

H. B. No. 538, A bill to be entitled "An Act amending Section 1 of Chapter 46, Acts of the Third Called Session of the Thirty-sixth Legislature, fixing the fees to be paid to the State and the State Board of Water Engineers upon the filing of applications for permits for the storage, diversion and use of water, fixing maximum fees at the sum of fifteen hundred dollars, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 538 was then passed to third reading.

**H. B. No. 538 on Third Reading.**

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 538 was put upon its third reading and final passage by the following vote:

**Yeas—29.**

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Doyle.	Thomas.
Dudley.	Turner.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
Lewis.	Woods.
McMillin.	

**Absent.**

Watts.

**Absent—Excused.**

Clark.

The Chair then laid H. B. No. 538 before the Senate on its third reading and final passage.

The bill was read the third time and passed.

**H. B. No. 690 on Second Reading.**

On motion of Senator Turner, by unanimous consent, the regular order of business was suspended and the Senate took up out of its regular order, on its second reading and passage to third reading,

H. B. No. 690, A bill to be entitled "An Act to provide for the appointment of a commission to revise and digest the General Laws of Texas, defining their powers and duties, and fixing the compensation of said commission; directing the commission to embody the revision in their report in the form of bills for adoption by the Legislature; authorizing the publication of the bills, and making appropriation for the purposes defined in the Act, and declaring an emergency."

The Chair laid the bill before the Senate and it was read second time, the committee report that the bill be not printed was adopted.

Senator Bowers moved to postpone further consideration of the bill indefinitely, and the motion was lost.

(Lieutenant Governor Davidson in the Chair.)

Senator Bailey offered the following amendment to the bill:

Amend the bill by striking out the words \$5700.00 wherever they occur in

the bill and insert in lieu thereof the words \$5000.00 in Section 7 of the bill.

The amendment was adopted.

Senator Bowers offered the following amendment to the bill:

Amend H. B. No. 690, Section 1, by adding after the word "profession" the following: "and who have had ten years' experience as attorneys."

The amendment was adopted.

H. B. No. 690 was then passed to third reading.

#### H. B. No. 690 on Third Reading.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 690 was put upon its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—3.

Burkett.	Wirtz.
Holbrook.	

Absent.

Doyle.	Watts.
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Absent—Excused.

Clark.

The Chair then laid H. B. No. 690 before the Senate on its third reading and final passage.

The bill was read the third time and passed by the following vote:

Yeas—19.

Bailey.	Parr.
Baugh.	Rice.
Bledsoe.	Ridgeway.
Cousins.	Rogers.
Darwin.	Stuart.
Dudley.	Turner.
Fairchild.	Witt.
Floyd.	Wood.
McMillin.	Woods.
Murphy.	

Nays—8.

Bowers.	Pollard.
Burkett.	Strong.
Holbrook.	Thomas.
Lewis.	Wirtz.

Absent.

Davis.	Watts.
Doyle.	

Absent—Excused.

Clark.

#### Caucus Resolution Amended.

Senator Wood moved to amend the caucus resolution by extending the time of adjournment for tonight only from 10 o'clock to 11 o'clock.

The roll was called and the motion prevailed by the following vote:

Yeas—18.

Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Stuart.
Floyd.	Thomas.
Holbrook.	Turner.
McMillin.	Witt.
Parr.	Wood.

Nays—8.

Bailey.	Murphy.
Darwin.	Strong.
Dudley.	Wirtz.
Lewis.	Woods.

Present—Not Voting.

Fairchild.

Absent.

Davis.	Watts.
Doyle.	

Absent—Excused.

Clark.

#### H. B. No. 315 on Second Reading.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days in each house was suspended, and H. B. No. 315 was put upon its second reading and passage to third reading by the following vote:

## Yeas—22.

Bledsoe.	Pollard.
Bowers.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Murphy.	Wood.
Parr.	Woods.

## Nays—3.

Baugh.	Rice.
McMillin.	

## Present—Not Voting.

Bailey.	Lewis.
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## Absent.

Burkett.	Watts.
Doyle.	

## Absent—Excused.

Clark.

The Chair then laid before the Senate on its second reading,

H. B. No. 315, A bill to be entitled "An Act to provide for certain sanitary requirements of bottling plants and soft drink stands; to prohibit the use of saccharin in carbonated or still beverages and to provide for a penalty, and to declare an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 315 was then passed to third reading.

## H. B. No. 413 on Second Reading.

On motion of Senator Fairchild, by unanimous consent, the regular order was suspended and the Senate took up out of its regular order,

H. B. No. 413, A bill to be entitled "An Act to appropriate out of the General Revenue not heretofore appropriated the sum of \$7,500 or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1923, and the further sum of \$10,000 or so much thereof as may be necessary, for the

fiscal year ending August 31, 1924, to defray the expenses of the Department of the State Health Officer of the State of Texas in intensive mosquito control work leading to the prevention and eradication of malaria and dengue fever and prevention of yellow fever in the State of Texas; also authorizing the State Health Officer to accept donations from any sources to supplement such fund or funds; and declaring an emergency."

The Chair laid the bill before the Senate, it was read second time and passed to third reading.

## H. B. No. 413 on Third Reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days in each House was suspended and H. B. No. 413 was put upon its third reading and final passage by the following vote:

## Yeas—26.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Parr.
Bowers.	Pollard.
Burkett.	Rice.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.

## Nays—2.

Ridgeway.	Woods.
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## Absent.

Doyle.	Watts.
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## Absent—Excused.

Clark.

The Chair then laid H. B. No. 413 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

## Yeas—20.

Baugh.	Davis.
Bledsoe.	Dudley.
Cousins.	Fairchild.
Darwin.	Floyd.

Holbrook.	Rogers.
Lewis.	Stuart.
McMillin.	Thomas.
Murphy.	Turner.
Parr.	Witt.
Pollard.	Wood.

## Nays—7.

Bowers.	Strong.
Burkett.	Wirtz.
Rice.	Woods.
Ridgeway.	

## Present—Not Voting.

Bailey.

## Absent.

Doyle.

Watts.

## Absent—Excused.

Clark.

**H. B. No. 688 on Second Reading.**

The Chair laid before the Senate as regular order, on its second reading and passage to third reading.

H. B. No. 688, A bill to be entitled "An Act to create a more efficient road system for Mills County, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts, and providing for the appointment of deputies; defining the powers and duties of the commissioners' court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties, and providing for and fixing their compensation for certain labor; providing penalties for the violation of this Act; giving persons subject to road duty in Mills County and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of such sum as may be fixed by the commissioners' court not later than the October term of said court in each year, by an order spread on the minutes of said court, and providing for the accounting for and the disposition to be made of the money so paid; providing that delinquent poll tax payers shall be subject to three days' road duty; providing for compensation of road commissioners; providing for the amount of compensation of road commissioners; providing for the amount of compensation in road time to be allowed by

overseers to road bonds for teams and road work; providing, ordering an election to be held in Mills County by the qualified property tax paying voters to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county; also giving the commissioners' court power to issue time warrants in an emergency not to exceed in any one year the sum of fifteen hundred (\$1500) dollars against road and bridge fund in said county, giving the commissioners' court the power to establish, change, improve or discontinue public roads with or without petition and notice, as the circumstances may be; and providing that this Act shall control Mills County in all cases wherein it differs or is in conflict with the General Laws on the subject of roads and making this accumulative, and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent, and the committee report that the bill be not printed was adopted.

H. B. No. 688 was then passed to third reading.

**H. B. No. 688 on Third Reading.**

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days in each house was suspended and H. B. No. 688 was put upon its third reading and final passage, by the following vote:

## Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

## Absent.

Doyle.

Watts.

Absent—Excused.  
Clark.

The Chair then laid H. B. No. 688 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Doyle. Watts.

Absent—Excused.

Clark.

#### H. B. No. 535 on Second Reading.

On motion of Senator Parr, by unanimous consent, the regular order of business was suspended and the Senate took up out of its regular order, on its second reading and passage to third reading,

H. B. No. 535, A bill to be entitled "An Act to amend Sections 20 and 21 of Chapter 207, General Laws of the Regular Session of the Thirty-fifth Legislature, 1917, fixing the rate of speed for motor vehicles upon the public highways of the State and within the corporate limits of any incorporated cities or towns and within the boundaries of towns and villages not incorporated, prescribing penalties for violations of the provisions of the Act, repealing all laws or parts of laws in conflict with its provisions."

The Chair laid the bill before the Senate and it was read second time and passed to third reading.

#### H. B. No. 534 on Third Reading.

On motion of Senator Stuart, the constitutional rule requiring bills to be read on three several days in each

house was suspended and H. B. No. 535 was put on its third reading and final passage by the following vote:

Yeas—28.

Bailey.	Murphy.
Baugh.	Parr.
Bledsoe.	Pollard.
Bowers.	Rice.
Burkett.	Ridgeway.
Cousins.	Rogers.
Darwin.	Strong.
Davis.	Stuart.
Dudley.	Thomas.
Fairchild.	Turner.
Floyd.	Wirtz.
Holbrook.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Absent.

Doyle. Watts.

Absent—Excused.

Clark.

The Chair laid H. B. No. 535 before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### H. C. R. No. 31—Vote Reconsidered.

Senator Ridgeway moved to reconsider the vote by which H. C. R. No. 31 was adopted, and to spread the motion to reconsider on the Journal, and the motion prevailed.

#### H. B. No. 690—Conference Committee Appointed.

The Chair, President Pro Tem R. M. Dudley, announced the appointment of the following conference committee to serve on the part of the Senate to adjust the differences between the two houses on H. B. No. 690: Senators Burkett, Davis, Bledsoe, Bailey and Turner.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, March 12, 1923.

Hon T. W. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House



has passed the following bills:

H. B. No. 44, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild furbearing animals to be the property of the State; providing for the issuance of trapper's licenses, and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof, and making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this Act; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 99, A bill to be entitled "An Act fixing the compensation of county commissioners in counties containing less than eighteen thousand inhabitants, and constituting a separate judicial district."

Failed to engross

H. B. No. 189, A bill to be entitled "An Act to regulate the packing and the marking of packages and containers; requiring the net quantity of the contents of such packages or containers to be plainly and conspicuously marked on the outside of package or container; defining the term 'container'; giving authority to State Superintendent of Weights and Measures to supervise the enforcement of this Act; providing for penalties for the enforcement of the Act; repealing Section 8, Chapter 130, Acts of the Regular Session of the Thirty-sixth Legislature and all laws in conflict, and declaring an emergency," by a vote of 48 yeas, 52 nays.

H. B. No. 282, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of the Texas of 1911, providing that citizens of Texas, who are qualified electors, who will reach the age of twenty-one years after the first day of February and before the day of a following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

Failed to engross

H. B. No. 296, A bill to be entitled "An Act to amend Article 6863, Chapter 1, Title 119, of the Revised Civil Statutes of Texas, 1911, which Article relates to the laying out and opening of first class roads by the commissioners courts of the several counties and prescribes certain regu-

lations with reference thereto; removing the restriction contained in said article prohibiting the layout of such roads across orchards, lots or within one hundred feet of a residence without consent of the owners, and declaring an emergency."

H. B. No. 315, A bill to be entitled "An Act to provide for certain sanitary requirements of bottling plants and soft drink stands; to prohibit the use of saccharin in carbonated or still beverages and to provide for a penalty, and to create an emergency."

Failed to engross

H. B. No. 638, A bill to be entitled "An Act to stop traffic in cigarettes, prohibiting the sale, manufacture, giving away, offering for sale or giving away, possession for the purpose of sale or giving away or making or manufacturing for sale cigarette wrappers or papers; prescribing penalties, and declaring an emergency."

H. B. No. 693, A bill to be entitled "An Act to amend Section 1 of Chapter 7, being House Bill No. 96, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, and entitled 'An Act creating an independent school district to be known as 'Calallen Independent School District, and to provide,' etc.; and also to amend Section 1, Chapter 22, being House Bill No. 35, passed at the First Called Session of the Thirty-second Legislature of the State of Texas and entitled 'An Act to create the Robstown Independent School District,' etc.; prorating the indebtedness against the Calallen Independent School District, providing that the entire Robstown Independent School District may, by an election held for that purpose, assume and become liable for the amount of indebtedness prorated against that portion of said Robstown Independent School District by this Act attached thereto formerly belonging to the Calallen Independent School District, and declaring an emergency."

Has finally passed H. B. No. 696.

S. B. No. 213, A bill to be entitled "An Act to provide for the organization or admission and regulation and taxation of incorporated mutual insurance companies, and declaring an emergency." with amendments.

S. B. No. 269, A bill to be entitled "An Act to amend Title 37 of the Revised Civil Statutes of the State of Texas, entitled 'Courts-District and

county-Practice in' by adding thereto Chapter 12a relating to procedure in Civil District Courts in counties having two or more district courts with civil jurisdiction only and whose terms continue three months or longer."

S. B. No. 143, A bill to be entitled "An Act to amend Chapter 32 of the First Called Session of the Thirty-third Legislature of the State of Texas, entitled, 'An Act to regulate and supervise the sale and purchase in this state of stocks of private, foreign and domestic corporations being organized, and hereafter organized or proposed to be organized for profit; and to regulate and supervise the offering or contracting for sale or purchase of such stock of such corporations, or proposed corporations, and to fix commission and promotion fees allowed to be charged and providing for service of process, examination fees, and exempting certain corporations from the effect of this Act, providing penalties for the violation of the provisions of this Act, and declaring an emergency.' by adding thereto Section 14-a providing that the terms and provisions of this Act shall not apply to any public service corporation doing business under the laws of this state, whose rates or charges are fixed or regulated by laws or by any governmental agency of this State."

S. B. No. 270, A bill to be entitled "An Act to amend Subdivisions 11, 55, 61 and 80 of Article 30 of Title 5 of the Revised Civil Statutes of the State of Texas, which subdivisions relate to the district courts of the 11th, 55th, 61st, and 80th judicial districts of Texas, and fixing the terms and prescribing the jurisdiction and procedure of said courts and allowing compensation to the clerk of the Eightieth Judicial District Court in Harris County."

House has granted the request of the Senate for a Free Conference Committee on S. B. 244. The following committee is appointed on part of the House: Greer, Martin, Simpson, Hardin of Erath, and Storey.

House refuses to concur in Senate amendments to H. B. 45 and requests the appointment of a Free Conference Committee to adjust the differences. The following Committee is appointed on part of the

House: Stewart of Edwards, Thrasher, Faubion, Finlay, Stewart of Reeves.

H. B. No. 411, A bill to be entitled "An Act granting permission to Cleo Fletcher to bring suit against the State of Texas in the district court of McLennan County, Texas, or Coryell County, Texas, for personal injury claimed to be due said Cleo Fletcher for the loss of a leg while in the Reformatory for Juveniles, and declaring an emergency."

Refused to pass

H. B. No. 3, A bill to be entitled "An Act to provide for the purchase and conveyance to the State of Texas of the land in the city of San Antonio known as the Ancient Government Palace property, which was the building used as the capitol of the ancient province of Texas; and for the care and preservation of said property; and appropriating the sum of fifty-seven thousand (\$57,000) dollars to carry out the provisions of this act."

Motion to reconsider was tabled.

S. B. No. 8, A bill to be entitled "An Act to repeal Article 809 of the Code of Criminal Procedure, 1911, and to amend Article 810 of the Code of Criminal Procedure, 1911, so that the same shall hereafter provide that no statement, oral or written, made by any person charged with any crime, shall be used or offered in evidence in the trial of any cause against him."

S. B. No. 257, A bill to be entitled "An Act to amend Sections 1 and 2, Chapter 49, General Laws of the Regular Session of the Thirty-fourth Legislature; raising the maximum age prescribed for compulsory attendance in the public schools of the state; increasing the compulsory school attendance period; restating certain exemptions under said Act; and declaring an emergency."

S. B. No. 267, A bill to be entitled "An Act to authorize counties to issue bonds under Section 52 of Article 3 of the Constitution for irrigation purposes; empowering such counties to construct, purchase and acquire reservoirs, dams, levees, wells, canals, laterals, ditches, pumping plants, and other improvements required for the proper and efficient irrigation of the land in such counties; to hold elections upon the question of issuing bonds and the levy of taxes for their payment; pro-

viding for the levy and collection of taxes for their payment; providing for the levy and collection of such taxes; providing for the control, management and operation of the irrigation system of such counties; providing for the issuance of notes by such counties for certain irrigation purposes; and declaring an emergency."

S. B. No. 262, A bill to be entitled "An Act to Amend an Act to reorganize the Thirty-fifth and Twenty-seventh Judicial Districts of Texas, passed by the Twenty-ninth Legislature, Chapter 37, as amended by the Second Called Session of the Thirty-first Legislature, Chapter 3; as further amended by the Regular Session of the Thirty-third Legislature, Chapter 61; and as further amended by the Acts of the Regular Session of the Thirty-seventh Legislature, Chapter 31, page 75; and to reorganize the Thirty-fifth Judicial District of Texas, to name the counties composing said Thirty-fifth Judicial District, to fix the time of holding court in the counties composing said Thirty-fifth Judicial District, to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency," with amendments.

H. B. No. 435, A bill to be entitled "An Act regulating the lighting of all motor vehicles and horse drawn vehicles operating upon the highways in Texas; providing for the testing of such lighting devices and the approval of same by the State Highway Commission before being used on any motor vehicle operated within this State; giving the Highway Commission power to test and approve such lighting devices, and providing that they shall charge a fee sufficient to cover the actual expense for conducting such test; providing penalties for the violation of this Act; repealing all laws in conflict herewith and declaring an emergency."

S. B. No. 287, A bill to be entitled "An Act to amend Article 6272 of the Revised Statutes of Texas, defining indigency and in particular describing who and under what conditions shall be entitled to the rights and privileges of a Confederate pension and who shall be entitled to become an inmate of the Confederate

Home or other public institution at the expense of the state."

S. B. No. 121, A bill to be entitled "An Act to amend Article 3107 of the Revised Civil Statutes of Texas of 1911, which relates to county executive committee, county and precinct chairmen elected at primaries, such committees now composed of one member from each voting or justice precinct in such county, as the party executive committee may direct, the members of such, as well as the county chairman and a precinct chairman for each voting or justice precinct, as the case may be, are elected by the qualified voters of the county on primary election day by providing, that the county executive committee shall be composed of one member from each justice precinct in the county, and a county chairman elected from the whole county; and providing that the members of the said committee shall be elected at the precinct conventions held on the primary election day; providing for the election of a county chairman at the county convention held as provided for in Article 3134, Revised Civil Statutes, and providing the time for said executive committee to begin their term of office; and to repeal Article 3108 of the Revised Civil Statutes of Texas of 1911, relating to a county chairman of the executive committee, his election, member of the district executive committee, his term of office, etc.; by providing that he shall be elected at the county convention of his party which is held as provided for in Article 3134 of the Revised Statutes of the State of Texas, of 1911, and providing for the time for him to assume the duties of his office."

H. B. No. 248, A bill to be entitled "An Act to amend Chapter 37 of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, being an Act to amend certain articles of Chapter 5, Title 14, Revised Criminal Statutes, 1911, and certain articles of Title 131, Revised Civil Statutes, 1911; and Chapter 126 of the Acts of the Regular Session of the Thirty-sixth Legislature of Texas, being an Act to establish a uniform warehouse receipt, and Chapter 54 of the Second Called Session of the Thirty-sixth Legislature of Texas, being an Act to amend Article 7819, Revised Civil Statutes, 1911; providing for the conduct of the

business of public warehousemen; defining certain terms used in this Act; defining who are public warehousemen; providing that all persons shall obtain certificate from the commissioner authorizing the operation of public warehouses; requiring bond to be filed; providing for inspection of warehouses before issuing certificate; requiring records to be kept; providing for inspection and examinations; requiring quarterly reports and prescribing contents of same; requiring other reports to be made on request of commissioner; providing for cancelling of certificates of warehousemen, prescribing duties of public warehousemen, and providing for liens to secure their charges; providing for the enforcement of liens; providing for uniform receipt; defining warehouseman's powers; providing penalties; repealing certain statutes, and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act making appropriation to cover deficiencies in appropriations hertofore made for the support of the State government for the fiscal year ending August 31, 1922; and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act to amend Article 3896 and Article 3901 of Title 58, Chapter 4, of the Revised Civil Statutes of Texas, 1911, relative to the meaning and beginning of a fiscal year, such year, beginning on January first of each year, and requiring each officer named in Articles 3881 to 3886, and also the sheriffs, to file reports and make the settlement required in this chapter on January first of each year and further requiring of such officers on or before the second Mondays in March, June, September and December of each year to make reports in writing, and under oath to the commissioners' court of their respective counties of all moneys and fees coming to their hands as such officers, and the name of the person entitled thereto and requiring such report to be filed with the county clerk and by him kept and preserved for future reference and examination, and declaring an emergency."

S. B. No. 164, A bill to be entitled "An Act to amend Chapter 1, Title 29, of the Revised Civil Statutes of Texas of 1911 by adding thereto Articles 1459a and 1459b; providing for the auditing of the books, records, and accounts of district, county and precinct officers, agents, and employees

and of institutions maintained by the county, and at public expense, or order of the county commissioners' court; and declaring an emergency."

S. B. No. 198, A bill to be entitled "An Act authorizing any street or suburban railway company, or interurban railway company, to lease or acquire and own, maintain and operate automobiles, automobile busses and automobile bus lines for transportation of passengers or property, or both; authorizing the inclusion of such powers in the charters of such companies hereafter organized, so as to include such powers, and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act to amend Article 3833 of Chapter 4 of the General Laws of the State of Texas as passed by the Thirty-sixth Legislature at its Third Called Session, 1920, entitled 'An Act to amend Article 3883 of Chapter 130 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, regulating the fees allowed county officers in certain counties in this State, and declaring an emergency,' so as to add to and include in the counties of this State therein referred to, counties in this State wherein the taxable values are not less than \$40,000.000, nor more than \$60,000.000, and declaring an emergency."

S. B. No. 251, A bill to be entitled "An Act to amend Article 2904, Revised Statutes, 1911, forbidding trustees and teachers to be interested in the sale of text books, and declaring an emergency."

S. B. No. 291, A bill to be entitled "An Act to amend Article 7381 of the Revised Civil Statutes, 1911, providing for the payment of a gross receipts tax by all persons, companies, corporations and associations of persons engaged in publishing, printing or selling text books in the schools of this State, or law books, or owning, controlling or managing any such business as text books or law book purchasers so as to exempt any corporation organized by the students and faculty of any State supported institution of learning without capital stock and which pays no dividends and is organized for the purpose of supplying books and other school supplies to the students of such institution and whose assets on the dissolution of the corporation passes to the governing board of the institution as a trust fund to be used for the ben-

effit of the institution, and declaring an emergency," with amendments.

S. B. No. 325, A bill to be entitled "An Act amending Articles 10, 15, 27, 31, 32, 39, 40, 50, 53 and 63 of an Act passed at the First Called Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act creating the office of Game, Fish and Oyster Commissioner, providing for the protection of fish and other marine life, being S. B. No. 107, Chapter 73, of the General Laws of the said First Called Session, changing certain penalties therein, making necessary changes in regulations, repealing all laws in conflict herewith, and declaring an emergency," with amendments.

S. B. No. 338, A bill to be entitled "An Act to amend Section 52 of Article 30, Title 5 of the Revised Statutes, changing the time of holding the terms of the District Court of the Fifty-second Judicial District of Texas, repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 394, A bill to be entitled "An Act making an appropriation for printing to the State Department of Education to print the necessary blanks and bulletins pertaining to the scholastic year 1922-1923, and in order that bulletin forms and blanks for the public schools may be prepared as nearly as possible by the opening of the scholastic year 1923-24, and declaring an emergency."

H. B. No. 112, A bill to be entitled "An Act to amend Article 5988 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the Acts of the Thirty-fifth Legislature, Regular Sessions, approved February 23, 1917, so as to authorize the navigation and canal commissioners of navigation districts to fix the amount of the treasurer's bond in such sum as they deem proper."

H. B. No. 174, A bill to be entitled "An Act to authorize any county for the purpose of constructing, maintaining and operating public roads, whether such roads are macadamized, graveled or paved, or built of other material, to use timber, earth, sand, stone, gravel or other necessary materials convenient therefor, and to provide for the condemnation of such road material, and prescribing condemnation of such road material and prescribing condemnation proceedings and providing compensation for

such material, and declaring an emergency."

H. B. No. 224, A bill to be entitled "An Act making it an offense to drive an automobile or any motor-driven vehicle upon the streets of any incorporated city, town or village or upon the public highways under the influence of intoxicating liquor, and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act to amend Title 10 of the Code of Criminal Procedure of the State of Texas, as revised and adopted in 1911, by inserting immediately following Article 905 of said title, a new article to be known as Article 905A, requiring clerks of trial courts to notify clerks of courts of criminal appeals of the release of a convicted person on appeal bond, and requiring a certified copy of appeal bond to accompany the notification; and requiring a like notification on the surrender to a sheriff of a convicted person by his bondsmen pending the appeal of his case to Court of Criminal Appeals."

H. B. No. 420, A bill to be entitled "An Act for refunding certain bonds of the State of Texas now owned by the permanent school fund; providing for the execution of new bonds in lieu thereof providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense of lithographing bonds, and declaring an emergency."

H. B. No. 577, A bill to be entitled "An Act to amend Article 2862 of the Revised Civil Statutes of the State of Texas, 1911, so as to permit independent school districts to have their taxes assessed and collected by the county assessor and county collector without being required to have such assessments made at the same valuations that are used for State and county taxation, and declaring an emergency."

H. B. No. 636, A bill to be entitled "An Act to amend Section 1, Chapter 65, Acts of the Thirty-sixth Legislature, Second Called Session, providing for the dissolution of consolidated school districts by majority vote of the qualified voters of the district at an election held for that purpose, and declaring an emergency."

H. B. No. 641, A bill to be entitled "An Act to amend Sec. 2, Chapter 23 of the Thirty-sixth Legislature, Second Called Session, providing for the setting apart of an amount sufficient to purchase and distribute the necessary school books for the use of pub-

lic free schools of this State; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act amending Sec. 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations, and declaring an emergency."

H. B. No. 671, A bill to be entitled "An Act to amend Sec. 16 of Chapter 60, General Laws, passed at the Regular Session of the Thirty-fifth Legislature, making it an offense to remove any domestic animal or animals which have been quarantined; prescribing a penalty for the violation thereof; fixing the venue where prosecutions may be had, and declaring an emergency."

H. B. No. 694, A bill to be entitled "An Act authorizing the appointment of a person to represent the State of Texas in a conference with representatives of the United States and of the State of New Mexico, with a view to negotiating an agreement concerning the storage, division and use of the waters of the Pecos River in New Mexico and Texas; authorizing the gathering of data and information necessary thereto; prescribing the authority and duties of such representatives; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor; making an appropriation to carry out the purposes of the Act, and declaring an emergency."

S. B. No. 357, A bill to be entitled "An Act to release the property of the Timpson & Henderson Railway Company from the payment of taxes levied against it for State and county purposes, in the counties of Rusk, Panola and Shelby, for the years 1917 to 1922 by reason of public calamity, and declaring an emergency."

S. B. No. 406, A bill to be entitled "An Act to amend Chapter 141, Acts of the Regular Session of the Thirty-fifth Legislature, so as to prohibit commissioners' courts and supervisors of levee improvement districts from letting any contract calling for or requiring the expenditure of two thousand dollars (\$2,000) or more without first submitting same to competitive bids and publishing no-

tice of the proposed letting of such contract; providing that such requirement may be waived in case of public calamity; requiring all contracts for more than five hundred dollars (\$500.00) and less than two thousand dollars (\$2,000) be let on competitive basis; providing that contracts made in violation of this Act shall not be enforced and may be enjoined; and declaring an emergency," with amendments.

H. B. No. 311, A bill to be entitled "An Act amending Sec. 14 of Article 7355 of the Revised Civil Statutes of 1911, relative to occupation taxes, fixing the amount of taxes to be levied on all circuses, shows, amusement companies, trained animal shows, wild west shows, carnival companies, and character of similar exhibitions; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suits for the collection of such taxes due the State of Texas and fixing the venue thereof; specifically repealing the provisions made in Sec. 15 of Article 7355 pertaining to carnivals, shows, amusements or entertainments held under the auspices, direction or control of any similar organizations and generally repealing all laws in conflict herewith, and declaring an emergency," with engrossed rider.

H. B. No. 392, A bill to be entitled "An Act declaring any person related within the third degree by affinity or consanguinity to an heir, legatee or devisee who is a minor or person non compos mentis under estate within the provisions of Title 52 of the Revised Statutes of 1911, to be a person interested in such estate and authorized to do any act which a person so interested may do under the provisions of said Title 21 of the Revised Civil Statutes of 1911, and declaring an emergency."

H. B. No. 264, A bill to be entitled "An Act to amend Section 1, Chapter 65, of the Acts of 1919 enacted at the Second Called Session of the Thirty-sixth Legislature, it being also Article 2817 $\frac{1}{2}$  of the volume known as Complete Texas Statutes, 1920; so as to provide that the notice of the election for the consolidation of two or more common school districts, therein provided for, may be given by either the sheriff or the county judge, and declaring an emergency."

H. B. No. 572, A bill to be entitled

"An Act to give consent of the State of Texas to the acquisition by the United States Government of land in the State for national forests and parks; retaining to the State concurrent civil and criminal jurisdiction, and authorizing Congress to enact all such legislation as deemed necessary to protect and administer such national forests and parks."

H. B. No. 640, A bill to be entitled "An Act to amend Sec. 23, Chapter 44, Acts of the Thirty-fifth Legislature, First Called Session, relating to the use of the adopted text books in the public free schools; repealing all laws in conflict herewith, and declaring an emergency."

S. B. No. 248, A bill to be entitled "An Act to require a record kept and report made of attendance of teachers at summer normals and county institutes and providing full pay for attendance upon teachers' institutes," with amendments.

S. B. No. 271, A bill to be entitled "An Act to repeal an Act approved May 27, 1915, and an Act amendatory thereof, approved April 2, 1918, being respectively Chapter 5 of the General Laws of Texas passed at the First Called Session of the Thirty-fourth Legislature and Chapter 45 of the General Laws of the Thirty-fifth Legislature relative to the business of cooperative savings and contract loan companies."

H. B. No. 412, A bill to be entitled "An Act appropriating the total sum of twenty-six hundred and eighty-eight dollars (\$2688) to Carl L. Estes, former sergeant of Troop L, 5th Texas National Guard Regiment, for his care and provision, and as partial compensation for permanent physical disability incurred in line of military duty while in the service of the State of Texas at Camp Stanley, Texas, in October, 1918. Of said total appropriation, the sum of five hundred and twenty-eight dollars (\$528), being for a deficiency from the period of November 1, 1919, to November 30, 1921, and the sum of twenty-one hundred and sixty dollars (\$2160), being for the care, provision and partial compensation of said Carl L. Estes from December 1, 1921, to and including December 31, 1924."

S. B. No. 391, A bill to be entitled "An Act to prohibit private corporations, persons, cities, towns or other public corporations from exercising the right of eminent domain over certain riparian and water rights and

lands under or adjacent to any streams in this State, used for the purpose of developing water power; excepting from the provisions hereof cities and towns having a population of 25,000 or over; repealing all laws in conflict herewith and declaring an emergency."

S. B. No. 256, A bill to be entitled "An Act creating an Educational Survey Commission to make a thorough survey of the public educational system of the State; providing for its selection by a survey committee, designated in this Act; designating the number of members of said Educational Survey Commission, providing for its organization, and prescribing the qualifications of a majority of the members thereof; providing for a complete report of the findings and recommendations of the Educational Survey Commission to be made to the Governor and Legislature by December 1, 1924; providing for the employment of the Educational Survey Commission of a survey directory and staff of assistants to make a survey of the school system of the State; providing that the Educational Survey Commission and its employees shall have access to all public records and providing a penalty for the violation of this provision of this Act; appropriating the sum of \$50,000.00, or as much thereof as may be necessary, to defray the expenses of the proposed educational survey, and prescribing the manner of its disbursement; and declaring an emergency," with amendments.

H. B. No. 506, A bill to be entitled "An Act to amend Article 3104 so as to provide that no candidate for a State or a district office shall be required to pay not exceeding one dollar as his portion of holding the primary election at which such candidate is seeking nomination, and declaring an emergency."

H. B. No. 402, A bill to be entitled "An Act to create a private game farm on the Island of St. Joseph, Aransas County, Texas; declaring certain game birds and animals obtained in Mexico and liberated on said island to be the private property of the owner of said island; providing that it shall not be unlawful for transportation companies to accept game for transportation that is propagated on St. Joseph Island, and declaring an emergency."

H. B. No. 409, A bill to be entitled "An Act to provide additional compensation to official shorthand reporters of Texas in judicial districts composed of two or more counties, by allowing com-

compensation for actual and necessary expenses when engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

House has passed S. C. R. No. 23, urging the Governor to reconsider his proclamation convening the Legislature in special session Thursday, March 15th, by a vote of 58 yeas, 51 nays.

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The Chair (President Pro Tem Dudley) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 682.  
H. B. No. 674.  
H. B. No. 660.  
H. B. No. 652.  
H. B. No. 644.  
H. B. No. 551.  
H. B. No. 537.  
H. B. No. 425.  
H. B. No. 375.  
S. B. No. 143.  
S. B. No. 269.  
S. B. No. 213.  
H. C. R. No. 31.  
H. B. No. 328.  
H. B. No. 90.  
H. B. No. 95.  
H. B. No. 495.  
H. B. No. 142.  
S. B. No. 8.  
S. B. No. 121.  
S. B. No. 135.  
S. B. No. 149.  
S. B. No. 198.  
S. B. No. 251.  
S. B. No. 257.  
S. B. No. 394.  
S. B. No. 287.  
S. B. No. 338.  
S. B. No. 134.  
S. B. No. 406.  
S. B. No. 267.  
S. B. No. 391.  
S. B. No. 325.  
S. B. No. 271.  
S. B. No. 262.  
S. B. No. 291.  
S. C. R. No. 23.

#### Bills Read and Referred.

The Chair (Lieut. Gov. Davidson) had referred, after their captions had

been read, the following House bills:

H. B. No. 99, referred to Committee on Civil Jurisprudence.

H. B. No. 44, referred to Committee on Criminal Jurisprudence.

H. B. No. 282, referred to Committee on Privileges and Elections.

H. B. No. 315, referred to Committee on Public Health.

H. B. No. 693, referred to Committee on Educational Affairs.

H. B. No. 696, referred to Committee on Educational Affairs.

H. B. No. 694, referred to Committee on Finance.

H. B. No. 641, referred to Committee on Finance.

H. B. No. 671, referred to Committee on Criminal Jurisprudence.

H. B. No. 664, referred to Committee on Criminal Jurisprudence.

H. B. No. 636, referred to Committee on Educational Affairs.

H. B. No. 577, referred to Committee on Educational Affairs.

H. B. No. 351, referred to Committee on Criminal Jurisprudence.

H. B. No. 224, referred to Committee on Criminal Jurisprudence.

H. B. No. 174, referred to Committee on Roads, Bridges and Ferries.

H. B. No. 112, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 420, referred to Committee on State Affairs.

H. B. No. 248, referred to Committee on Agricultural Affairs.

H. B. No. 411, referred to Committee on Civil Jurisprudence.

H. B. No. 435, referred to Committee on Criminal Jurisprudence.

H. B. No. 506, referred to Committee on Privileges and Elections.

H. B. No. 409, referred to Committee on Civil Jurisprudence.

H. B. No. 402, referred to Committee on Criminal Jurisprudence.

H. B. No. 640, referred to Committee on Educational Affairs.

H. B. No. 572, referred to Committee on Educational Affairs.

H. B. No. 412, referred to Committee on Finance.

H. B. No. 264, referred to Committee on Educational Affairs.

H. B. No. 311, referred to Committee on State Affairs.

H. B. No. 392, referred to Committee on Civil Jurisprudence.



**Adjournment.**

The hour of 11 o'clock p. m. having arrived, the President declared the Senate adjourned until 9 o'clock a. m. tomorrow.

**APPENDIX****Committee Reports.**

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 405, and find the same correctly enrolled and have this day at 9:15 o'clock A. M., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 142, and find the same correctly enrolled and have this day at 9:15 o'clock A. M., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 160, and find the same correctly enrolled and have this day at 9:15 o'clock A. M., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 350, and find the same correctly enrolled and have this day at 9:15 o'clock A. M., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 313, and find the same correctly enrolled and have this day at 9:15 A. M. o'clock presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 429, and find the same correctly enrolled and have this day at 9:15 A. M. o'clock presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 191, and find the same correctly enrolled and have this day at 10:50 A. M. o'clock presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 9, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 249, and find the same correctly enrolled and have this day at 10:50 A. M. o'clock presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 430, and find the same correctly enrolled and have this day at 10:50 A. M. o'clock presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Senate Bill No. 364, and find the same correctly enrolled and have this day at 10:50 A. M. o'clock presented the same to the Governor for his approval.

DARWIN, Chairman.

Senate Chamber,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the  
Senate.

Sir: We, your Committee on Rules, to whom was referred Simple Resolution No. 87, which referred to persons not entitled to the privileges of the floor, have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass, and be not printed, but that the committee substitute do pass, and be printed in the Journal.

ROGERS, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the  
Senate.

Sir: We, your Committee on Rules, to whom was referred

Simple Resolution No. 75, being as follows: Amendment to Senate Rule No. 64: "When a motion to suspend the rules has been seconded, it shall be in order, before final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to such proposition; and the same right to such debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

ROGERS, Chairman.

Committee Substitute Simple Resolution No. 87.

Be it resolved, That there be added to Senate Rule 92 a new section to be known as Section 7:

The doorkeeper, or his assistant, shall sit at the outer door of the Sen-

ate, and shall in no case permit persons not entitled to the privileges of the Senate Chamber to pass until it shall be ascertained that some person entitled to the privileges of the floor, and then on the floor, desires to confer with such person not entitled to the privileges of the floor. Such conference shall at all times be held in the reception room, or outside of the Senate Chamber proper. The Sergeant-at-arms shall place a table outside the outer door, and provide pencil and paper to be used by visitors who wish to arrange conferences with persons in the Senate Chamber. The doorkeeper and the Sergeant-at-arms shall in no case permit persons to pass to the Senate Chamber proper who are not entitled to the privileges of the floor under this rule.

(Floor Report).

Senate Chamber,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on County and County Boundaries to whom was referred

H. B. No. 417, A bill to be entitled "An Act to authorize the commissioners' court of the various counties of the State of Texas to employ one or more nurses for the purpose of assisting in the promotion of public health and visiting and inspecting the pupils of the public schools and to appropriate public funds in payment thereof,"

Have had same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Strong, Burkett, McMillin, DeWitt, Turner.

Committee Room,  
Austin, Texas March 12, 1923.  
Hon. T. W. Davidson, President of  
the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 54, A bill to be entitled "An Act authorizing boards of supervisors of levee improvement districts heretofore organized, or that may be hereafter organized, under any law passed pursuant to Section 52, of Article 3, or Section 59, of Article 16, of the Constitution, to file suits to collect delinquent taxes

in such districts; providing the method of procedure therefor; providing that any bond holder may bring such tax suits in the name of the levee district where the supervisors fail to commence such suits within sixty days after taxes become delinquent; providing that this Act shall be cumulative and shall not repeal any method of procedure now provided for by law for the collection of levee district taxes; and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the bill be not printed because S. B. No. 397 on same subject matter is already printed.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 538, A bill to be entitled "An Act amending Section 1 of Chapter 46, Acts of the Third Called Session of the Thirty-sixth Legislature, fixing the fees to be paid to the State and the State Board of Water Engineers upon the filing of applications for permits for the storage diversion and use of water, fixing maximum fees in the sum of fifteen hundred dollars, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, being the same as S. B. No. 330, which has been printed.

BLEDSON, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred,

H. B. No. 112, A bill to be entitled "An Act to amend Article 5988 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 40 of the Acts of the Thirty-fifth Legislature, Regular Session, approved February 23, 1917, so as to authorize the navigation and canal

commissioners of navigation districts to fix the amount of the treasurers' bond in such as they deem proper."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HOLBROOK, Vice Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Mining and Irrigation, to whom was referred

H. B. No. 493, A bill to be entitled "An Act extending for a period of three years from the passage of this Act all permits to prospect for oil and gas heretofore issued on river beds and channels, fresh water lakes, bays, marshes, reefs, salt water lake and submerged lands and islands therein, and on university lands, asylum lands and public school lands, surveyed, which are unsold at the time this Act goes into effect; that all permits hereafter issued on such lands shall be for a period of three years; providing the conditions of such permits, and further providing that all permits on lands under the control of any Federal receiver appointed by the Supreme Court of the United States shall be extended for a period of at least three years after the termination of such receivership."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Vice Chairman.

(Majority Report).

Committee Room,

Austin, Texas March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

H. J. R. No. 24: "Amending Article 16 of the Constitution of Texas by adding thereto a new section designated as Section 61, giving to the Legislature power and authority to provide pensions for firemen and policemen, providing for submission of resolution to voters of Texas and making appropriation therefor."

Have had same under consideration, and a majority of your com-

mittee beg leave to report same back to the Senate with a recommendation that it do not pass.

WOODS, Chairman.

(Minority Report)

Committee Room,  
Austin, Texas, March 10, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 24, have had same under consideration, and we a minority of your committee beg leave to report same back to the Senate with a recommendation that it do pass and be not printed, but be printed in the Journal.

MURPHY.  
DAVIS.  
BURKETT.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 511, A bill to be entitled "An Act to make certain emergency and supplemental appropriations out of the general revenues for the several institutions and departments of the State Government for the fiscal year ending August 31, 1923, and declaring an emergency," being the deficiency appropriation bill.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 694, A bill to be entitled "An Act authorizing the appointment of a person to represent the State of Texas in a conference with Representatives of the United States and of the State of New Mexico, with a view to negotiating an agreement concerning the storage, division and use of the water of the Pecos River in New Mexico and Texas; authorizing the gathering of data and in-

formation necessary thereto; prescribing the authority and duties of such representatives; prescribing the method of reaching such agreement and having the same agreed to and ratified by the State Legislature and approved by the Governor; making an appropriation to carry out the purposes of the Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 412, A bill to be entitled "An Act appropriating the total sum of twenty-six hundred eighty-eight (\$2,688.00) dollars to Carl L. Estes, former sergeant of Troop L, Fifth Texas National Guard Regiment, for his care and provision, and as partial compensation for permanent physical disability incurred in line of military duty, while in the service of the State of Texas at Camp Stanley, Texas, in October, 1918. Of said total appropriation, the sum of five hundred twenty-eight (\$528.00) dollars being for a deficiency from the period of November 1, 1919, to November 30, 1921, and the sum of twenty-one hundred (\$2,100.00) dollars being for the care, provision and full compensation of said Carl L. Estes from December 1, 1921, to and including December 31, 1924."

Have had same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Dudley, Chairman; Wood, Fairchild, Rogers, Holbrook, Ridgeway, Parr, Floyd, Burkett.

(Floor Report)

Senate Chamber,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We your Committee on Finance, to whom was referred

H. B. No. 653, A bill to be entitled "An Act making an appropriation for the purchase of the electric voting machine now installed in the House of Representatives, and declaring an emergency."

Have had same under consideration and report it back to the Senate with the recommendation that it do pass and be not printed.

Dudley, Wood, Darwin, Rogers, Stuart, McMillin, Woods, Burkett.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 434, A bill to be entitled "An Act providing for the creation of the office of County Superintendent of Public Instruction, providing for the election of a County Superintendent, prescribing qualifications of the person holding the office, providing for filling vacancies in the office and specifically repealing Article 2750, Revised Statutes 1911, any part of the Act of the Thirty-sixth Legislature, Third Called Session, Chapter 57, and any other law or parts of laws which may be in conflict herewith and declaring an emergency."

Have had the same under consideration and I am instructed by the committee to report the same back to the Senate with the recommendation that it do pass, and, being the same as S. B. 194, that it be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 97, A bill to be entitled "An Act prohibiting the teaching of evolution as a fact as it applies to the origin of life and species in the public schools, or any of our higher educational institutions in the State of Texas supported in whole or in part by taxation and prohibiting the members of the State Textbook Commission from adopting or recommending any textbook which teaches the theory of evolution, either directly or indirectly."

Have had same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 693, A bill to be entitled "An Act to amend Section 1, Chapter 7, being H. B. No. 96, passed by the Regular Session of the Thirty-third Legislature of the State of Texas, and entitled "An Act creating an independent school district to be known as "Calallen Independent School District" and to provide, etc.,' and also to amend Section 1, Chapter 22, being H. B. No. 35, passed at the First Called Session of the Thirty-second Legislature of the State of Texas and entitled 'An Act to create the Robstown Independent School District, etc.' pro-rating the indebtedness against the Calallen Independent School District, providing that the entire Robstown Independent School District may, by an election held for that purpose, assume and become liable for the amount of indebtedness pro-rated against the portion of said Robstown Independent School District by this Act attached thereto formerly belonging to the Calallen Independent School District; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 577, A bill to be entitled "An Act to amend Article 2862 of the Revised Civil Statutes of the State of Texas, 1911, so as to permit independent school districts to have their taxes assessed and collected by the county assessor and the county collector without being required to have such assessments made at the same valuation that are used for state and county taxation."

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 598, A bill to be entitled "An Act to amend Article 4364, Revised Civil Statutes of 1911, providing for the bond of the State Treasurer so as to provide for the making of such bond with a surety company and the payment of the expense incident thereto by the State; and to amend Article 4373, Revised Civil Statutes of 1911, providing for the appointment of a chief clerk and the giving of bond by him, and also providing for the appointment of other employees so as to provide for the appointment of the chief clerk and the giving of a bond by him with a good and solvent surety company, and further to provide for the appointment of other employees and the giving of a bond by each of them, and to require the State to pay the necessary expense incident to the execution of said bond or bonds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed, because S. B. No. 353, which is the same bill, has been printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 283, A bill to be entitled "An Act to amend Article 3965 of the Revised Statutes of 1911, relating to written memorandum to maintain certain actions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 196, A bill to be entitled "An Act to amend Chapter 1, of Title 29 of the Revised Civil Statutes of 1911 by adding thereto Articles 1459a, 1459b, 1459c and 1459d, providing for the employment by commissioners' courts in counties not having a county auditor of an accountant to audit the books, records and files of all the county and the reports, books, records and files of all officers, agents, agencies, pertaining to all financial transactions and matters with respect to which the commissioners' court is charged with any duty, providing for a report of each audit for their compensation therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 432, A bill to be entitled "An Act to amend Section 2 of Chapter 119, General Laws passed at the Regular Session of the Thirty-sixth Legislature, authorizing the guardians of estates to make mineral leases on real estate of their wards; prescribing the manner in which the said mineral leases shall be made; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 393, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor; providing for the collection of such tax, and repealing

Articles 7487, 7488, 7489, 7490, 7491, 7492, 7493, 7494, 7495, 7496, 7497, 7498, 7499, 7500, 7501 and 7502, Revised Civil Statutes of Texas, 1911; also repealing Chapter 21 of the Acts of the First Called Session of the Thirtieth Legislature, Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, and Chapter 164 of the Acts of the Regular Session of the Thirty-sixth Legislature, and repealing all laws in conflict herewith, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 99, A bill to be entitled "An Act fixing the compensation of county commissioners in counties containing less than eighteen thousand inhabitants, and constituting a separate judicial district."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 645, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on the taking effect of this Act; and declaring an emergency."

Have had same under consideration; and beg to report same back to the Senate with the recommendation that it do pass, and be not printed.

Dudley, Chairman; Darwin, McMillin, Woods, Wood, Witt, Cousins, Holbrook, Burkett, Stuart.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privilege and Elections, to whom was referred

H. B. No. 282, A bill to be entitled "An Act amending Article 2954 of the Revised Civil Statutes of Texas of 1911, providing that citizens of Texas who are qualified electors who will reach the age of twenty-one years after the first day of February and before the day of a following election, shall be entitled to vote at such election without having paid a poll tax and without having obtained an exemption certificate; providing procedure in case the vote of such person is challenged, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

DAVIS, Chairman.

(Floor Report)

Senate Chamber,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 506, A bill to be entitled "An Act to amend Article 3104 so as to provide that no candidates for State Senator or State Representative shall be required to pay more than one dollar as his portion of the estimated expenses of holding the primary election at which such candidate is seeking nomination, and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal.

Davis, Chairman; Baugh, Bailey, Parr, Turner.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Crim-

final Jurisprudence, to whom was referred

H. B. No. 44, A bill to be entitled "An Act to preserve and protect the wild fur-bearing animals of this State; declaring wild fur-bearing animals to be the property of the State; providing for the issuance of trapper's licenses, and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof; and making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions of this Act; repealing all laws in conflict herewith; certain counties exempt; prohibiting trapping of raccoon in certain counties; and declaring an emergency."

Have had same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

Turner, Chairman; Witt, Woods, Parr, Davis, Strong, Ridgeway, Thomas, Baugh.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred,

H. B. No. 315, A bill to be entitled "An Act to provide for certain sanitary requirements of bottling plants and soft drink stands; to prohibit the use of saccharin in carbonated or still beverages and to provide for a penalty and providing an emergency."

Have had the same under consideration, and I am instructed by the Committee to report same back to the Senate with the recommendation that it do pass, and being the same as S. B. No. 170, be not printed.

TURNER, Chairman.

(Majority Report).

Senate Chamber,

Austin, Texas, March 5, 1923..

Hon. T. W. Davidson, President of the Senate.

Sir: We, a majority of your Committee appointed to investigate the charges contained in Simple Resolution No. 46, against the Texas Employers' Insurance Association, beg leave to report that we have conducted said investigation. For the pur-

pose of convenience, we are stating the charges numerically followed by findings of fact made and conclusions reached as follows:

#### Charge No. 1.

Whereas, it has come to the attention of the Texas Senate that those charged with the duty of administering the affairs of the Association have abused the authority and privileges bestowed by the Legislature in that the officers and employees of the Association have organized another insurance company, and have abused the Association to their profit in conducting the business of the said company so organized under the name of the Employers' Casualty Company;

#### Findings of Fact.

It appears that about July the 1st, 1920, a number of the officers, directors and employes of the Texas Employers' Insurance Association organized the Employers' Casualty Company. The Texas Employers' Insurance Association under the laws of Texas had power to write and carry only employers' compensation policies. Frequently and perhaps usually, employers would desire to carry liability insurance policies in addition to the compensation insurance policies and as the Texas Employers' Insurance Association could not give the subscribers both lines of insurance, the Texas Employers' Association was materially handicapped in the conduct of its business. Under these conditions and for these reasons, it is claimed, the Employers' Casualty Company was organized as a private corporation under the laws of the State of Texas. The business and affairs of Texas Employers' Insurance Association and the Employers' Casualty Company were conducted by the same individuals acting as the officers and employees of the respective companies and said companies occupied and used the same offices and office equipment. It further appears that there was a contract between the two companies as to payment of commissions and expenses which was reasonable, which contract was made by representatives of each concern having no interest in the other, and all were men of unquestioned business ability and integrity.



### Conclusions.

The transactions had in this connection appear to us to be just and reasonable and such as any ordinarily prudent business man or set of men would do in similar circumstances; and there has been no complaint so far as this Committee learned by the officers, directors and subscribers of the respective companies.

### Charge No. 2.

"Whereas, The Texas Employers' Insurance Association has joined with other companies in the North and East in forming Mutual Underwriters' Syndicate, which syndicate is engaged in writing insurance not only for the members forming the Syndicate, but, also for any company in the nation that complies with the rules and regulations of the syndicate, thus engaging in a business far removed from Texas and foreign to the functions it was created to perform;"

### Findings of Fact.

The Texas Employers' Insurance Association has entered into contracts of reinsurance with other companies engaged in similar lines of insurance. Two of the leading law firms in the State of Texas have rendered opinions to the effect that this contract of reinsurance by and between the Texas Employers' Insurance Association and other such companies was clearly within the right of such Texas Employers' Insurance Association, and was merely incident to the right of such company doing an insurance business. The Attorney General of the State of Texas has held that the Texas Employers' Insurance Association had no such authority under the laws of Texas.

### Conclusions.

Without passing judgment on the soundness of these conflicting opinions, it is sufficient to say that the Texas Employers' Insurance Association appears to have used ordinary care in the conduct of this particular line of business and obtained legal advice to uphold its course of action. It also appears there is no express inhibition in the laws of Texas against this transaction by the Texas Employers' Insurance Association and at most it is only a question of construction as to what the pow-

ers of the association may be in this regard. It does appear to us, however, that the power to enter into reinsurance contracts to cover such risks as may be included in the term "catastrophe hazards" is a power which any and all insurance companies must have if they are to be able to survive under any and all circumstances and conditions, and if this power be not given by or intended by the laws of Texas, we suggest that an amendment should be enacted to the workmen's Compensation Act, giving this power and authority to the Texas Employers' Insurance Association.

### Charge No. 3.

"Whereas, the said association pays its general manager a salary of \$25,000.00 per year;"

### Findings of Fact.

It is true as charged that the general manager receives a salary of \$25,000.00 per year.

### Conclusions.

We are of the opinion that the matter of salary paid to the general manager is a matter over which the officers, directors and stockholders of the Texas Employers' Insurance Association have full and complete control. And, considering the executive ability, technical knowledge, extent of responsibility and the success achieved, a majority of your committee are not disposed to criticize the officers and directors of the association, who are business men of unquestioned integrity and high business standing for their actions in this matter.

### Charge No. 4.

"Whereas, approximately \$75,000.00 of the funds of said association have been paid out for bonuses to the employees, and on special salaries to individuals in no way connected with the association;"

### Findings of Fact.

During the years 1917 to 20, inclusive, the association paid bonuses to the employees and special salaries aggregating about \$32,000.00; also about \$40,000.00 was paid out for the acquisition of additional business.

## Conclusions.

The bonuses paid out were paid during the war period when most business concerns were doing likewise and as the funds in the hands of the Texas Employers' Insurance Association were funds contributed by the subscribers to said association and were paid out under authority and direction of the officers and directors of the association, we are not in a position to complain of such transactions but we rather commend the spirit and purpose as well as the act itself. There is no law in Texas prohibiting such transactions and as there is no such law, the State of Texas through its legislative branch or otherwise has no right to complain. If there be any basis for complaint, such complaint should be made and prosecuted by the officers, directors and subscribers of the association and not otherwise; and such complaints should be made and prosecuted in the courts of the State and not through the Legislature. The \$40,000.00 paid out for acquisition of additional business is wholly and solely a matter of business discretion and which should be and was used by those in authority in the Texas Employers' Insurance Association.

## Charge No. 5.

Whereas, Officials of the association have obtained loans from the association, approximating \$280,000.00:"

## Findings of Fact.

Like the transactions above described, this was a purely business matter over which the State had no control and as the directors and subscribers made no complaint, and the loans have been paid in full, and no one seems to have had grounds for objection and we think the State has none.

## Charge No. 6.

"Whereas, Officers and employees of the association, who are charged with the public duty of impartially administering the affairs of the association for the mutual benefit of employers and employees alike, are now spending the funds of the association and their own time, which belongs to the association, in an effort to defeat proposed legislation to increase the compensation of employees."

## Findings of Fact.

It appears that during the years

1917 to and including the year 1920, sums in the neighborhood of \$500.00 from year to year have been expended by an officer and representative of the Texas Employers' Insurance Association in Austin during the sessions of the Texas Legislature.

## Conclusions.

There is no charge, and no proof to support the charge, that these funds were expended in an improper manner. It is the privilege and perhaps the duty of all individuals and business institutions to be present during the sessions of the Legislature when legislation relating to or affecting the interest of such individual or concern is under consideration. This privilege or duty, as the case may be seems to have been carried and there is no reason why complaint should be made against this procedure by the State of Texas. If there be any complaint, it should be raised by the directors, officers and subscribers of the association and not otherwise.

## Charge No. 7.

Whereas, The funds of the association have been paid out at various times to public officials, and in connection with the Legislature, such funds having been charged on the books to expense accounts, and otherwise camouflaged so as to not reflect the true nature of the transactions;"

## Findings of Fact.

(The same as under Charge No. 6.)

## Conclusions.

(The same as under Charge No. 6.)

## Charge No. 8.

"Whereas, Numerous other irregularities, too numerous to be set out herein, have occurred in the conduct of the affairs of the said association, and have been brought to the attention of the Senate,"

## Findings of Fact.

This paragraph seems to have been a general charge of irregularities, but it is covered by the charges above set forth and we deem it unnecessary to go into any further detail.

## Conclusions.

(See above.)

It was developed in our examination that the State of Texas originally appropriated the sum of \$5,000 to be used in the organization expenses of

the Texas Employers' Association; that there was expended an additional amount of \$3,598.74, which additional amount was allowed by Governor Colquitt out of the emergency funds within his control. In a recent audit of the affairs of the association it was contended by the auditor that this sum of money was earnings of the company and that such sum was subject to distribution among the subscribers as dividends. The officers of the association at that time, however, took the position that this money did not belong to the subscribers, and that if it was ever paid out by the association to anyone, it should be returned to the State of Texas; and your committee feels that it would be just and right for the association to refund this money to the State of Texas, as it was never directly provided for by legislative enactment.

#### Final Words.

Our general conclusions from our investigation of the affairs of the Texas Employers' Association, as brought to our attention in connection with the investigation, is that said association is a sound institution conducted by men of ability and integrity and that their business methods have been above criticism, and their institution is rendering a valuable service.

The association began business in the month of May, 1914. Since that date it has charged to its subscribers the same premium rates as charged by stock companies, but has returned in dividends to subscribers, in round figures, the sum of \$2,200,000, and has on hand as surplus for future distribution in round figures, the sum of \$700,000. The net rate after refund of dividends, paid by subscribers for the protection received, is 28.6 per cent less than original premium rates.

Respectfully submitted,

WITT.

DAVIS.

(Minority Report).

Senate Chamber,

Austin, Texas, March 11, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, a minority of your Committee appointed to investigate the Texas Employers' Insurance Association, under authority and by virtue of Simple Resolution No. 46, beg leave to report that we have conducted said investigation, and submit our

findings and recommendations, as follows, to-wit:

We find that the Texas Employers' Insurance Association is a public agency created by legislative enactment to carry out the terms of the Employers' Liability Act. That the Act creating the same was passed by the Thirty-third Legislature, and was thereafter amended by the Thirty-fifth Legislature. The Act provided for the appointment by the Governor of a Board of Directors of said Association, consisting of twelve members, who served for a term of one year, and until their successors were elected and qualified. We find that \$8,500.00 of the State funds were appropriated and spent by the association for the purpose of carrying out the provisions of the law, \$3,598.74 of which was in the form of a loan by the Governor out of his personal fund, and which the President of the Board, Mr. W. B. Head, and the Manager, Mr. Homer Mitchell, have agreed to return to the State. The Supreme Court has adjudicated the question of the legal status of this association, and in reference thereto uses the following language:

"The Insurance Association created by this Act is not a private corporation. Some such agency as the Insurance Association may be deemed as essential to the efficient execution of the Act. It was a way of giving effect to the plan as a dependable method of providing the funds necessary for the payment to employees of the compensation the Act is designed to afford. The Association is very clearly only an agency for the proper administration of this law (Workmen's Compensation Act); it has no functions or powers which it may exercise for any other purpose (185S.W. 562).

"The Court of Civil Appeals at Amarillo, in considering the same question in the case reported in the 245th S. W., page 946, after quoting the above decision of the Supreme Court, held as follows:

"In creating the appellee such an agency, the Legislature has fashioned it upon the general plan of the Mutual Benefit Association, from which it was not contemplated that any one should derive any profits as such. That it was the intent of the Legislature that neither the appellee as an organization, nor any subscriber thereto, should ever derive any prof-

its from it is made plain by that part of the Act which provides for the collection and distribution of its funds. Article 5246v provides that the Board of Directors shall divide the subscribers into groups in accordance with the nature of the business and the degree of hazard incident thereto, and that subscribers within each group shall annually pay in cash such premiums as may be required to pay the compensation herein provided for the injuries that may occur in that year. The next article provides that the Association may in its bylaws and policies fix the mutual contingent liability of the several subscribers for the payment of losses and expenses not provided for by its cash funds. And as a further evidence of the intent of the Legislature, that it should not be an organization from which any profits might accrue to anyone; and that it should handle only such funds as are necessary for paying the actual losses and expenses incident to the enforcement of the Act itself; it is provided by Article 5246vvv that if the Association at any time is not possessed of cash funds above its insured premiums sufficient for the payment of the incurred losses and expenses, it shall make an assessment for the amount needed to pay such losses and expenses, such assessment to be levied upon the several subscribers in proportion to their several liabilities.

'Article 5246w provides that the Board of Directors may from time to time fix the amount to be paid as dividends upon the policies expiring during each year after retaining a sum sufficient to pay all compensation which may be payable on account of injuries sustained and expenses incurred, and further provides that all of the funds of the association and the contingent liability of all of the subscribers shall be available for the payment of any approved claim for compensation against the Association.

'While the amount which this article requires to be refunded to the several subscribers is called a dividend, it is clearly not so in the strict sense but is simply a requirement that all surplus money in the hands of the association over and above the amount required to properly administer and carry out the purpose of the Act shall be returned to the subscribers, thus demonstrating that the Legislature intended by this Act to re-

duce the expense incident to injuries resulting in industrial pursuits to actual cost, freed of any profits to any person, or association of persons.

"In the light of these provisions, we conclude that appellee (the Texas Employers' Insurance Association) is in the strictest sense a governmental agency.

"The Act does not provide that any reserve of surplus fund may be invested, or loaned, to its policy holders, stockholders, or other persons. As we understand, the Act under consideration, all funds coming into the hands of the association over and above that required for the payment of claims and expenses is commonly the property of the subscribers and is held by the association simply as a trustee to be refunded to the subscribers in accordance with the above quoted provisions of the Act.

"In our opinion, by the provisions of the statute, it is not contemplated that the association should even hold as an active trustee any money over and above the sum necessary for the payment of expenses and claims, and that any surplus which may be by chance on hand is to be returned from time to time as 'dividends' to the subscribers."

The decision of the court above quoted was rendered by reason of a contest between the Texas Employers' Insurance Association and the City of Dallas over the payment of taxes sought to be levied on the funds and property of the association by the City of Dallas. The association successfully contended on the grounds above stated, and as such governmental agency has been exempted from the payment of city, county, state and federal taxes.

The resolution under which your committee was created and empowered to act, made a number of specific charges which we will take up in their order, reporting first our findings of fact and then our recommendations on each charge separately. What we have said above disposes of the first two paragraphs of the resolution, which deal with the creation and organization of the association.

The third paragraph of the resolution charged in effect that the association has organized a corporation known as the Employers' Casualty Company, and is conducting the busi-

ness of said corporation by the officers and employees of the association, and through the offices of the association. We find that the charge as to this fact is true. The association has explained to the committee that in the beginning of their activity they found themselves handicapped in that they were in competition with other companies in writing compensation insurance in this state, and that these competing companies could and did sell the insurer not only compensation insurance, but all forms of public liability insurance. To meet this competition they organized the Employers' Casualty Company, empowered to write every kind of casualty and surety business at a capitalization of \$150,000.00. More than half of the stock was sold to those who were subscribers, or the officers and employees of subscribers to the association, some of whom were also employees, officers and directors of the association. That the association advanced approximately \$20,000.00 of its funds to its employees and officers with which stock was purchased in the association, and which stock was pledged as collateral security to the association for the re-payment of the loans. The loans, however, have all been repaid within the last six months. The charter of the Employers' Casualty Company empowers it to write workmen's compensation in Texas and elsewhere, and it has written such insurance in this state and elsewhere.

The association was created to provide compensation insurance at cost, and compensation insurance only. The association could, with equal propriety, and with equal authority of law, organize and conduct the business of a life insurance company. This association is an agency of the state, an arm of the government, by their own contentions in resisting the payment of taxes, and by the decisions of the courts of this state, upholding their contentions. The Banking Department could with equal propriety organize and conduct loan associations, or other associations and corporations. The fact that they might be able to show profit to the department through such operations is wholly immaterial. The Department of the Treasury might organize and conduct the business of banking institutions, but

such action is neither contemplated or authorized by the law creating such departments. This committee must hold, therefore, that this action of the association in organizing and conducting the business through its offices and by its officers and employees of the Employers' Casualty Company, is so patently outside, above and beyond the power which the Legislature intended to confer as to leave no room for difference among unprejudiced minds.

It might not be amiss to call the attention of the Senate to the case which those in control of the association, in the event some annual subscribers' meeting should make an entire change of management, could absolutely deliver a large part of the business of the association to the Employers' Casualty Company, and thereby destroy, or hopelessly cripple this necessary and useful agency of government. It may safely be assumed that this plan has been considered and contemplated, and that the Employers' Casualty Company was organized for just such a contingency. Those connected with the association own 1120 shares or 74.7% of the stock of the Casualty Company as against the remaining 380 shares, or 25.3% owned by persons outside the association.

We respectfully urge upon the board of trustees of the Texas Employers' Insurance Association a complete severance of the now existing relations of these two concerns, and refrain from such affiliations and combines in the future.

Paragraph four of the resolution charges that the association has joined with other insurance companies of the north and east in forming a syndicate in which the members of the syndicate reinsure each other against losses. The law specifically provides how losses are to be paid, how funds are to be collected, for that purpose, and in doing so, it has necessarily excluded every other method of meeting losses. If the Legislature had intended that losses of a certain character should be provided against by a method of re-insurance, it would have been easy for the Legislature to have so provided. Your committee, therefore, holds that the charge in paragraph No. 4 is true, and that such action on the part of the association is not contemplated, nor au-

thorized by the law creating the association.

We have asked the Attorney General for an opinion on this phase of the association's activities, and he has held this action is unauthorized by law. We respectfully ask that the board of trustees cancel this re-insurance contract, and meet its losses in the future in the manner required by law, clearly set forth in the statutes, the decisions of the courts, and the opinion of the Attorney General.

The resolution further charges that the association pays its general manager a salary of \$25,000.00 per year. This charge is true. This committee feels that inasmuch as this association is a self-admitted and duly adjudicated agency of government for the State of Texas, that this salary is entirely out of line with salaries paid in other departments of government. We do not condemn such salaries for private corporations and private concerns for private profit. But we do recommend that the proper authorities reduce these salaries to more nearly conform to that paid by other agencies and arms of the government.

Paragraph 6 of the resolution charged that approximately \$75,000.00 of the funds of the association have been paid out as bonuses to employees and on special salaries to individuals in no way connected with this association. Funds of the association have been used, as charged in the resolution. Only about \$32,000.00 was paid out as bonuses to employees of the association. Something like \$40,000.00 was paid out in the acquisition of additional business. The association has sought to justify the payment of these bonuses on the grounds that private concerns over the country during the war paid such bonuses. It seems that the association insists that it is a State agency when such contention best suits its purpose, particularly in the matter of acquiring new business, and in the matter of resisting the payment of taxes, but when it comes to the question of salaries paid its employees, and bonuses given away to its employees, it seeks to justify such action because private concerns have set the precedent. We commend the object and purpose of private concerns in granting bonuses during the war. But agencies of the State, and of the

government have not been giving bonuses. The soldiers of the World War have been denied a bonus. The committee feels that this was a misuse of the funds of the association and recommends that such action not be repeated in the future.

The resolution further charges that funds approximating \$280,000.00 have been loaned to officials of the association. We find that funds of the association have been so loaned. The decision quoted in the first part of this report specifically states that the law does not contemplate that this association should ever hold as an active trustee any money over and above the sum necessary for the payment of expenses and claims, and that any surplus which may by chance be on hand is to be returned from time to time as dividends to the subscribers. Instead of loaning this money on long time paper to officers and directors of the association, the committee believes that the law contemplates that it should be returned to the subscribers to whom it belongs. The committee understands, of course, that sufficient funds must be kept on hand to meet the running demands of the association, but the committee feels that this association is entirely too solvent. The manner in which the law has provided for the payment of losses and claim is such that the accumulation of immense funds is unnecessary. These funds can be raised by assessment from time to time as they may be needed. All of these loans are gilt-edge, the security being ample, but the committee is unable to see the necessity for the accumulation of these funds to the extent that they have accumulated in the hands of the association. We do not believe that additional legislation on this subject is necessary, but we suggest to the officers and directors of the Texas Employers' Insurance Association a strict compliance with the law in the matter of the collection of funds, their use, and final disposition in the form of dividends.

The resolution also charged that the funds of the association are being spent to defeat proposed legislation to increase the compensation of employees. This charge as made could not be definitely established, but the evidence disclosed that some-

thing like \$1,500.00 of the funds of the association has heretofore been paid to the president of the board of directors, W. B. Head, in connection with legislation. It is apparent to the committee that the president of the association has been in the city of Austin since the convening of the present session of the Legislature. He says that the association is not paying his expenses, but the association has heretofore paid such expenses, and we do not know whether they will take care of the president's expense account at this time, or not. The committee would suggest that the expenses of those who will appear before the Legislature in the interest of workmen's compensation insurance, as it applies to the Texas Employer's Insurance Association and their subscribers, ought to be borne by the subscribers themselves independently, and not with the funds of the association.

The resolution further charged that numerous irregularities have occurred in the conduct of the business of the association, too numerous to be set out in the resolution.

We further find that \$150.00 of the funds of the association has been paid to one Mrs. Lena Murphy for the purpose of keeping in court a suit to test the constitutionality of a law under which some of their competitors were operating. We feel that this use of the funds belonging to the association was unwarranted to an extent bordering on moral turpitude. We suggest that those authorizing the payment of this sum be requested by the board of directors to return it to the association.

We further find that \$12,708.13 of the funds of the association have been paid out to what is known as the National Association of Mutual and Casualty Companies. We are unable to find any authority at law for this expenditure, and it strikes us as being a misuse of the funds of the appropriation. We recommend that the board of directors, or those responsible for the payment of this fund be required to reimburse the association for this expenditure, and discontinue such expense in the future.

We further find that the State has appropriated \$8500.00, which has been used by this association. That \$3,598.74 of the said sum has not been considered or figured as an income in

earned dividends to be paid back to subscribers. We recommend that this fund, \$3,598.74, be returned to the State Treasury in accordance with the promise made by the committee by the president of the board and the general manager.

We find, in checking over the audits of the Texas Employers' Insurance Association submitted to us by the association, that during the period from June 30th to December 31st, 1923, \$41,165.95 of the funds of the association was spent by what is known as the acquisition department. This is a department which gives its attention to the acquiring of new business for the association, bringing into the association of new subscribers, securing the compensation insurance business of employers not then insuring in the association.

It strikes this committee that the spending of subscribers' money for the purpose of inducing non-subscribers to come into the association is an unwarranted use of the funds of the association. The premiums are collected from the subscribers for certain purposes, clearly defined in the statute creating this association. The spending of these enormous sums will have a tendency to degenerate the association into a private insurance company for private profit if it, in fact, has not already done so. The association was created to provide compensation insurance at cost. The maintaining of an expensive acquisition, advertising and propaganda department necessarily increases the cost of insurance to the subscribers. We condemn the practice and respectfully urge upon the trustees that it be discontinued.

We feel constrained not to close this report without calling the attention of the Senate to the fact that the manner in which the law provided for the organization and operation of this association was such as to make it self-perpetuating, and after the first year to take it entirely outside and beyond the control of any supervising authority, save and except the supervision which the Department of Insurance and Banking exercises over all insurance companies. We recommend some legislation which will bring the association in closer touch with the State government. We believe that the appointment of the board of directors should be in the hands of some officer of the government. The

present system permits of abuse in this respect; that only a few of the larger employers attend the annual subscribers' meeting, and, therefore, elect the board of directors from year to year, control the policies and direct the course of the said association. We believe that the board of directors should be appointed, either by the Governor, or by the Commissioner of Insurance, or by some other disinterested authority.

This committee recommends that the president of the board of trustees shall call the board together, and submit to them this report. That they be requested to communicate with the president of the Senate and what action they have taken or will take, toward carrying out the suggestions of this committee. That this communication be in the hands of the president not later than the 10th day of the First Called Session of the Thirty-eighth Legislature.

We further recommend that if the said board of trustees fails or refuses to comply with the above request and with the recommendations of this committee, that the Governor be requested to submit to the special session of the Legislature this whole subject for such legislation as the Legislature may deem wise and expedient.

Respectfully submitted.

ROGERS, Chairman,

Investigating Committee, investigating Texas Employers' Insurance Association.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to amend Article 7305 of the Revised Civil Statutes of the State of Texas, 1911, as the same was amended by Chapter 21, of the Acts of the Thirty-seventh Legislature, relating to the inspection of hides and animals, by adding to the exempt counties the county of Matagorda, and repealing all laws in conflict herewith."

Have had same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

PARR, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 149, A bill to be entitled "An Act amending Sections 6 and 12 of an Act passed at the Regular Session of the Thirty-sixth Legislature entitled 'An Act relating to the protection of wild game, birds, etc., and requiring a license for the purpose of hunting, being H. B. No. 457, Chapter 157, of the Regular Session Laws'; and to repeal all laws in conflict, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, but that it be printed in the Journal.

WITT, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 464, A bill to be entitled "An Act to facilitate the marketing and distribution of the natural resources of the State, and the products manufactured therefrom, by extending the right of condemnation to certain corporations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass, but that it be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 12, 1923.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to who was referred

H. B. No. 420, A bill to be entitled "An Act to provide for refunding certain bonds of the State of Texas now owned by the permanent school fund; providing for the execution of new bonds in lieu thereof, providing method of exchange of said bonds; making appropriation to pay accrued interest and to pay expense of litho-



graphing bonds; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 411, A bill to be entitled "An Act granting permission to Cleo Fletcher to bring suit against the State of Texas in the district court of McLennan County, Texas, or Coryell County, Texas, for personal injury claimed to be due said Cleo Fletcher for the loss of a leg while in the Reformatory for Juveniles,"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 503, A bill to be entitled "An Act for the protection of those who have filed preemption or homestead donation claims on school section 2, S. P. Ry. Co. Certificate 1668 in Jack County, Texas, by authorizing the original preemptors or their assignees in good faith and for value to purchase, and the Commissioner of the General Land Office to sell to them such portions as they own in good faith and for value render said preemption or homestead claim, at fifty cents (0.50) per acre after they have filed field notes in the General Land office, and have met such requirements as the law imposes on the owners of homesteads or preemption claims and purchasers of school lands desiring patents therefor, and declaring an emergency."

Have had same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in the Journal.

Wood, Turner, Parr, Dudley.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 678, A bill to be entitled "An Act to provide for an efficient system of road maintenance in Upshur county; prescribing the classification of all public roads in said county; defining the powers and duties of the county commissioners and county attorney of such county; the jurisdiction of the county court in relation thereto; defining the qualifications and duties of road overseers and declaring who shall be subject to road duty or service in said county; providing punishment and procedure for non-performance of certain duties prescribed herein by said officers; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

BURKETT, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred,

H. B. No. 688, A bill to be entitled "An Act to create a more efficient road system for Mills County, Texas, and making the Commissioners of said county ex-officio road commissioners in their respective precincts, and providing for the appointment of deputies, defining the powers and duties of the commissioners' court with reference to roads and bridges, providing for the appointment of road overseers, and defining their duties, and providing for and fixing their compensation for certain labor, providing penalties for the violation of this Act, giving persons subject to road duty in Mills County, and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of such sum as may be fixed by the commissioners' court not later than the October term of said court in each year, by an order spread on the minutes of

said court, and providing for the accounting for and the disposition to be made of the money so paid, providing that the delinquent poll-tax payers shall be subject to three days road duty; providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work, providing an election to be held in Mills County by the qualified voters to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county; also giving the commissioners' court power to issue time warrants in an emergency not to exceed in any one year the sum of fifteen hundred (\$1500) dollars, against road and bridge fund in said county; giving the commissioners' court the power to establish, change, improve or discontinue public roads with and without petition and notice as the circumstances may be; and providing that this Act shall control Mills County in all cases wherein it differs or is in conflict with the General Laws on the subject of roads and making this accumulative, and declaring an emergency."

Have had the same under consideration, and I am instructed by the committee to report same back to the Senate with the recommendation that it do pass, and being a local bill be not printed.

BURKETT, Chairman.

Committee Room,  
Austin, Texas, March 12, 1923.  
Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 611, A bill to be entitled, "An Act to amend Article 927, Title 22, Chapter 6, Revised Civil Statutes of 1911, so as to provide that the city council of any city or town shall have power to levy and collect an annual poll tax, not to exceed one dollar, of every inhabitant of said city over the age of twenty-one years, unless exempted by General Law, who is a resident thereof at the time of such annual assessment, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

RIDGEWAY, Chairman.

#### FORTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, March 13, 1923.

The Senate met at 9 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor T. W. Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Baugh.	Pollard.
Bledsoe.	Rice.
Bowers.	Ridgeway.
Burkett.	Rogers.
Cousins.	Strong.
Darwin.	Stuart.
Davis.	Thomas.
Doyle.	Turner.
Dudley.	Watts.
Fairchild.	Wirtz.
Floyd.	Witt.
Holbrook.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Lewis.

Absent—Excused.

Clark.

Prayer by Father Michael Quinlan of Austin.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

#### H. B. No. 681.—Passage to Third Reading.

The Chair laid before the Senate as unfinished business and special order, on passage to third reading, H. B. No. 681, with amendment by Senator Stuart pending.

Senator Stuart withdrew the amendment.

Senator Ridgeway offered the following amendment to the bill:

Amend House Bill No. 681 by adding at the end of Section 1 on page two the following:

"Provided that the St. Louis & San Francisco Railway Company shall construct extend and put into operation its railroad from Brady, Texas in a southerly direction to San Antonio, Texas, within two years from the date of the passage of this Act and failing to do so all the rights, powers and privileges granted by this Act shall thereby be forfeited.